

A.5

**Script :** Thompson B 20200723 & 28 DA PC

**Deposition :** Thompson, Beth 2020-07-23,Thompson, Beth 2020-07-28

**Highlighter Key :**

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	Defense Affirmatives	01:13:03
	Plaintiff Completeness C	01:05:33
	Defense Counter Counter	00:04:14
	Plaintiff Counters	00:02:42

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## Thompson B 20200723 &amp; 28 DA PC (&amp; Completeness) DCC COMBINED 7-23

## Thompson B 20200723 &amp; 28 DA PC (&amp; Completeness) DCC COMBINED 7-23

Scene	Designation	Source	Tx Duration	Elapsed	Remains	Media File	Barcode
1	4:4 -4:11	Thompson, Beth 2020-07-23	00:00:36	00:00:00	02:25:32	Thompson_B-07232	MV181.1
		4:4 This is Media Unit 1 of the video recorded deposition					
		4:5 of Beth Thompson, as a 30(b)(6) of the Cabell County					
		4:6 Commission, taken by counsel for Defendant in the					
		4:7 matter of the City of Huntington and the Cabell					
		4:8 County Commission vs. AmerisourceBergen Drug					
		4:9 Corporation, et al, filed in the U.S. District Court					
		4:10 for the Southern District of West Virginia, Case Nos.					
		4:11 3:17-01362 and 3:17-0165.					
2	5:13 -5:15	Thompson, Beth 2020-07-23	00:00:11	00:00:36	02:24:56	Thompson_B-07232	MV181.2
		5:13 BETH THOMPSON					
		5:14 having been duly sworn, testified as follows:					
		5:15 EXAMINATION BY COUNSEL FOR CARDINAL HEALTH:					
3	5:24 -6:7	Thompson, Beth 2020-07-23	00:00:14	00:00:47	02:24:45	Thompson_B-07232	MV181.3
		5:24 Do you understand today that you're					
		6:1 testifying as the representative of the county					
		6:2 commission?					
		6:3 A. I do.					
		6:4 Q. And that the testimony that you give here					
		6:5 today is testimony of -- is the testimony of the					
		6:6 county commission in this case?					
		6:7 A. Yes, I do.					
4	6:24 -7:10	Thompson, Beth 2020-07-23	00:00:32	00:01:01	02:24:31	Thompson_B-07232	MV181.4
		6:24 Q. Thank you. You have, I believe, in front					
		7:1 of you a copy of the Notice of Deposition to the					
		7:2 Cabell County Commission in this case; is that right?					
		7:3 A. Yes, it is.					
		7:4 Q. And I have one here, as well. I believe					
		7:5 when we put this -- these boxes together, we didn't					
		7:6 mark this, but I marked the Notice of Deposition as					
		7:7 Exhibit 1A.					
		7:8 Have you reviewed the Notice of Deposition					
		7:9 before you came today, Ms. Thompson?					
		7:10 A. I have.					
5	16:3 -16:17	Thompson, Beth 2020-07-23	00:00:57	00:01:33	02:23:59	Thompson_B-07232	MV181.5

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

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16:3 Q. What about that definition of illicit  
 16:4 opioids do you believe makes the definition of  
 16:5 prescription opioids unclear?  
 16:6 A. Well, we believe that they're both unclear,  
 16:7 because they're not mutually exclusive. Just because  
 16:8 something is a prescription doesn't mean it can't be  
 16:9 illicit. I think -- We think that there are  
 16:10 prescriptions that end up in the wrong hands in all  
 16:11 kinds of ways that would make them illicit.  
 16:12 Q. And I want to make sure I understand you.  
 16:13 The point that you're making is that it is possible  
 16:14 for prescription opioids to be diverted so that they  
 16:15 are in someone's hands illegally or illicitly; is  
 16:16 that --  
 16:17 A. Correct.

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6	<b>19:7 -19:9</b>	Thompson, Beth 2020-07-23	00:00:05	00:02:30	02:23:02	Thompson_B-07232	MV181.6
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19:7 Q. Has diversion of prescription opioids  
 19:8 occurred in Cabell County?  
 19:9 A. Yes.

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7	<b>19:19 -19:23</b>	Thompson, Beth 2020-07-23	00:00:22	00:02:35	02:22:57	Thompson_B-07232	MV181.7
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19:19 Q. Is the theft of prescription opioids a  
 19:20 significant problem in Cabell County?  
 19:21 A. The opioid crisis here, all of it, is a  
 19:22 significant problem in Cabell County. The theft, the  
 19:23 crime, everything related to it is significant.

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8	<b>20:7 -20:16</b>	Thompson, Beth 2020-07-23	00:00:28	00:02:57	02:22:35	Thompson_B-07232	MV181.8
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20:7 Q. Are you aware of any specific incident or  
 20:8 instance in which prescription opioids have been  
 20:9 stolen in Cabell County?  
 20:10 A. Probably pick up the newspaper, listen to  
 20:11 the news, about any day, and it would be in there.  
 20:12 Q. So you would agree that the theft of  
 20:13 prescription opioids is a significant problem in  
 20:14 Cabell County?  
 20:15 A. The Commission thinks all of the ways that  
 20:16 drugs are diverted is a significant problem.

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9	<b>20:17 -20:22</b>	Thompson, Beth 2020-07-23	00:00:29	00:03:25	02:22:07	Thompson_B-07232	MV181.9
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20:17 Q. When did the Commission first become aware

■ Defense Affirmatives
 ■ Plaintiff Completeness Counte
 ■ Defense Counter Counters
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

20:18 of the problem of prescription opioid theft?  
 20:19 A. The entire problem, the theft, the  
 20:20 overdoses, all of it, I think we've already  
 20:21 determined from the lawsuit -- the allegations in the  
 20:22 lawsuit that everything was about 2006.

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10      **20:23 -21:4**      Thompson, Beth 2020-07-23      00:00:25    00:03:54    02:21:38    Thompson\_B-07232    MV181.10

20:23 Q. When you say everything was about 2006,  
 20:24 what exactly was it that the Commission became aware  
 21:1 of in 2006 concerning prescription opioids?  
 21:2 A. The amount of opioids being dumped into our  
 21:3 communities, the crime increasing, overdoses  
 21:4 increasing, addiction increasing.

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11      **21:5 -21:16**      Thompson, Beth 2020-07-23      00:00:33    00:04:19    02:21:13    Thompson\_B-07232    MV181.11

21:5 Q. You say the amount of opioids being dumped  
 21:6 into our communities. I want to focus on that word,  
 21:7 "dumped." What do you mean by "dumped into our  
 21:8 communities"?  
 21:9 A. Just what it says. Dumped in here.  
 21:10 Q. Well, by "dumped," do you mean that  
 21:11 somebody brought in a dump truck and dumped them out  
 21:12 in the street?  
 21:13 A. You know, it feels like that at times, yes.  
 21:14 Q. Where were the opioids dumped in Cabell  
 21:15 County?  
 21:16 A. The entire county.

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12      **22:8 -22:12**      Thompson, Beth 2020-07-23      00:00:13    00:04:52    02:20:40    Thompson\_B-07232    MV181.12

22:8 Q. And so when you say that opioids were  
 22:9 dumped into Cabell County, you mean that they were  
 22:10 distributed to pharmacies and to doctors?  
 22:11 A. In massive amounts, yes. Way too many for  
 22:12 our community.

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13      **22:13 -22:24**      Thompson, Beth 2020-07-23      00:00:41    00:05:05    02:20:27    Thompson\_B-07232    MV181.13

22:13 Q. Did the pharmacies that received  
 22:14 prescription opioids order those opioids from  
 22:15 pharmaceutical distributors?  
 22:16 A. We would assume they did.  
 22:17 Q. And did they then dispense those  
 22:18 prescription opioids to fill prescriptions that were

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

22:19 written by physicians?  
 22:20 A. We would assume so.  
 22:21 Q. And so when a distributor fills a  
 22:22 lawfully-placed order from a licensed pharmacy, is  
 22:23 that dumping in the view of the County Commission?  
 22:24 A. Yes.

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14      **23:23 -24:17**      Thompson, Beth 2020-07-23      00:01:09   00:05:46   02:19:46   Thompson\_B-07232   MV181.14

23:23 Q. So the Commission -- in the Commission's  
 23:24 view, filling an order from a pharmacy for any  
 24:1 medication that can be addictive, constitutes dumping  
 24:2 that medication?  
 24:3 A. It could.  
 24:4 Q. It could or it does?  
 24:5 A. It could and it does, in instances, yes.  
 24:6 Q. You said it could. How would the  
 24:7 Commission determine whether or not filling an order  
 24:8 for medication from a pharmacy constitutes dumping?  
 24:9 A. Well, the Commission is not -- that's not  
 24:10 their function, that's not their role. But the  
 24:11 Commission has looked at the things that have  
 24:12 happened to its county and the problems that have  
 24:13 been caused by the massive amounts of opioids that  
 24:14 were dumped in here and realizes the massive  
 24:15 destruction it's caused. So the Commission would  
 24:16 feel that the addictive nature of opioids would be  
 24:17 dumping -- dumping it here.

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15      **24:18 -25:3**      Thompson, Beth 2020-07-23      00:00:38   00:06:55   02:18:37   Thompson\_B-07232   MV181.15

24:18 Q. And, again, I just want to be clear. And  
 24:19 when you testified about dumping in various contexts  
 24:20 through the day, I'll ask again, when you testified  
 24:21 about dumping just now, you meant filling orders from  
 24:22 pharmacies in Cabell County; is that right?  
 24:23 A. When the -- when your companies have the  
 24:24 knowledge of how much they were filling, yes.  
 25:1 Q. Yes? When you say "dumping," you were  
 25:2 referring to filling orders from pharmacies?  
 25:3 A. Yes.

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16      **25:23 -26:20**      Thompson, Beth 2020-07-23      00:01:05   00:07:33   02:17:59   Thompson\_B-07232   MV181.16

25:23 Q. And what did the Commission then do in

 Defense Affirmatives    Plaintiff Completeness Count    Defense Counter Counters    Plaintiff Counters


**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

25:24 response when it learned that there was a problem  
 26:1 with theft of prescription opioids?  
 26:2 A. The Commission doesn't have a role in that  
 26:3 to respond to it.  
 26:4 Q. Is it within the power of the Commission to  
 26:5 ask the sheriff's office to respond to a crime  
 26:6 problem?  
 26:7 A. They're different constitutional offices,  
 26:8 and they don't have any control over the other.  
 26:9 Q. I understand that, but I think it's worth  
 26:10 exploring a little more. What is the relationship  
 26:11 between -- the legal relationship between the County  
 26:12 Commission and the sheriff's office?  
 26:13 A. They're different constitutional offices.  
 26:14 The Commission is -- they're fiscal agents for the  
 26:15 county, and the sheriff is the tax collector and the  
 26:16 law enforcement.  
 26:17 Q. Does the County Commission control the  
 26:18 budget for the sheriff's office?  
 26:19 A. It sets the budget, yes. Once it sets it,  
 26:20 it doesn't have any control of what he does with it.

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17      **26:21 -27:20**      Thompson, Beth 2020-07-23      00:01:17    00:08:38    02:16:54    Thompson\_B-07232    MV181.17

26:21 Q. So the County Commission determines how  
 26:22 much money the sheriff's office has to operate each  
 26:23 year; is that right?  
 26:24 A. In a sense, yes.  
 27:1 Q. Is there a sense in which that's incorrect?  
 27:2 A. Well, there is only so much money there for  
 27:3 each office to operate on.  
 27:4 Q. Okay. So your point is that the county has  
 27:5 a finite budget, but within that budget the County  
 27:6 Commission sets the budget of the sheriff's office;  
 27:7 is that right?  
 27:8 A. Yes.  
 27:9 Q. Does the County Commission communicate with  
 27:10 the sheriff's office about problems that exist in the  
 27:11 county?  
 27:12 A. From time to time, yes.  
 27:13 Q. What would be an example of that?  
 27:14 A. Like the jail bill being so high, that the  
 27:15 sheriff would communicate with the Commission

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

27:16 regarding ways to try to reduce the jail bill,  
 27:17 putting more people on home confinement. Home  
 27:18 confinement is a cheaper way to handle people than  
 27:19 just sending them to jail, so -- for the county.  
 27:20 Things like that.

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18	<b>27:21 -28:3</b>	Thompson, Beth 2020-07-23	00:00:19	00:09:55	02:15:37	Thompson_B-07232	MV181.18
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27:21 Q. Has the County Commission ever budgeted any  
 27:22 specific funds for the sheriff's office to address  
 27:23 the problem of theft of prescription opioids?  
 27:24 A. No.  
 28:1 Q. Why not?  
 28:2 A. That's not how our budgets are set through  
 28:3 the state.

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19	<b>28:4 -29:2</b>	Thompson, Beth 2020-07-23	00:01:07	00:10:14	02:15:18	Thompson_B-07232	MV181.19
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28:4 Q. Does the Commission -- Do the Commission  
 28:5 approve every year of a line item budget for the  
 28:6 sheriff's office?  
 28:7 A. Yes.  
 28:8 Q. And when I say "line item," I mean a budget  
 28:9 that allocates funds for the sheriff's office in  
 28:10 particular categories. So payroll, equipment, et  
 28:11 cetera, et cetera.  
 28:12 A. Yes.  
 28:13 Q. Is that how that works?  
 28:14 A. Yes.  
 28:15 Q. And has the Commission ever in that budget  
 28:16 allocated any funds to the sheriff's office to  
 28:17 address theft of prescription opioids?  
 28:18 A. Well, in the sense the Commission could  
 28:19 be -- all of it could be addressing theft, crime.  
 28:20 That's what law enforcement does, so.  
 28:21 Q. Has the Commission ever allocated any funds  
 28:22 to the sheriff's office specifically to address theft  
 28:23 of prescription opioids?  
 28:24 A. The Commission would think all of it would  
 29:1 be -- any of the law enforcement would be to address  
 29:2 any crime problems in the county.

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20	<b>29:23 -30:2</b>	Thompson, Beth 2020-07-23	00:00:11	00:11:21	02:14:11	Thompson_B-07232	MV181.20
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29:23 Q. Has the County Commission ever communicated

■ Defense Affirmatives
 ■ Plaintiff Completeness Counte
 ■ Defense Counter Counters
 ■ Plaintiff Counters



**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

29:24 with the sheriff's office about the problem of theft

30:1 of prescription opioids?

30:2 A. Not that I'm aware of specifically.

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21      **30:12-30:15**      Thompson, Beth 2020-07-23      00:00:11    00:11:32    02:14:00    Thompson\_B-07232    MV181.21

30:12 Q. Has the County Commission taken any steps

30:13 that you're aware of to address the problem of theft

30:14 of prescription opioids?

30:15 A. Yes. It filed this lawsuit.

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22      **30:16-30:24**      Thompson, Beth 2020-07-23      00:00:29    00:11:43    02:13:49    Thompson\_B-07232    MV181.22

30:16 Q. How does this lawsuit address theft of the

30:17 prescription opioids?

30:18 A. Well, my testimony earlier, I think, was

30:19 about all crime related to this and all the problems

30:20 it has created, not just theft of the opioids, but

30:21 the crimes, stealing children's bicycles to go get

30:22 your next fix or, you know, whatever the problem is.

30:23 That's what we filed this lawsuit for, is to address

30:24 all of it.

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23      **31:22-32:19**      Thompson, Beth 2020-07-23      00:00:59    00:12:12    02:13:20    Thompson\_B-07232    MV181.23

31:22 Q. So you've mentioned this lawsuit. Other

31:23 than this lawsuit, has the Commission taken any steps

31:24 to -- that -- in its view are intended to address the

32:1 theft of prescription opioids?

32:2 A. The Commission's functions and roles are

32:3 set out very specifically, and this is the only thing

32:4 that the Commission could do to address it.

32:5 Q. Is the answer no?

32:6 A. No, the answer is that we filed this

32:7 lawsuit to address it.

32:8 Q. And my question is: Other than this

32:9 lawsuit, has the Commission taken any steps intended

32:10 to address the theft of prescription opioids?

32:11 A. It took the only step it could take.

32:12 Q. And understanding that that's the


32:13 Commission's position, when you say it took the only

32:14 step it could take, you mean filing this lawsuit?

32:15 A. Yes.

32:16 Q. And so is it the Commission's view that

32:17 there's nothing else it could do to address the theft

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

32:18 of prescription opioids?

32:19 A. Correct.

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24	<b>33:3-33:18</b>	Thompson, Beth 2020-07-23	00:00:52	00:13:11	02:12:21	Thompson_B-07232	MV181.24
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33:3 Q. Is it the Commission's view that providing

33:4 additional funding to the sheriff's office would have

33:5 helped address the theft of the prescription opioids?

33:6 A. The Commission funded the sheriff's office

33:7 appropriately.

33:8 Q. Would additional funding have helped

33:9 prevent or reduce the theft of prescription opioids?

33:10 A. The Commission doesn't know. It wasn't --

33:11 The Commission isn't aware that the sheriff ever

33:12 asked for any more funding to specifically address

33:13 it.

33:14 Q. Has the sheriff's office ever asked the

33:15 Commission for any funding related to the opioid

33:16 problem in Cabell County?

33:17 A. The Commission isn't aware of anything

33:18 specific.

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25	<b>33:19-34:5</b>	Thompson, Beth 2020-07-23	00:00:38	00:14:03	02:11:29	Thompson_B-07232	MV181.25
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33:19 Q. We're still on Topic 1, talking about

33:20 diversion. We've talked about diversion by theft.

33:21 Is another path to diversion in Cabell County people

33:22 obtaining prescription opioids from family members?

33:23 A. Yes, the Commission would think that was

33:24 another way, yes.

34:1 Q. Is that a significant problem?

34:2 A. I think I testified earlier that the

34:3 Commission thinks that everything involved with this

34:4 opioid crisis is a significant problem within our

34:5 county.

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26	<b>34:12-34:22</b>	Thompson, Beth 2020-07-23	00:00:36	00:14:41	02:10:51	Thompson_B-07232	MV181.26
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34:12 So I want to make sure that we have a clear

34:13 record. Does the Commission believe that people

34:14 obtaining prescription opioids from family members is

34:15 a significant problem in Cabell County?

34:16 A. Yes.

34:17 Q. When did the county become aware of the

34:18 problem of people getting prescription opioids from

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■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

34:19 family members?  
 34:20 A. I still think the Commission would refer  
 34:21 back to the dates that we talk about in our lawsuit,  
 34:22 the 2006.

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27	<b>35:5 -35:23</b>	Thompson, Beth 2020-07-23	00:01:03	00:15:17	02:10:15	Thompson_B-07232	MV181.27
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35:5 Q. Once the Commission became aware that  
 35:6 people in Cabell County were getting prescription  
 35:7 opioids from family members, what did it do to  
 35:8 prevent that?  
 35:9 A. The Commission has specific roles and  
 35:10 functions that are set out in Code, and it does what  
 35:11 it can do as far as sets the budgets, and the only  
 35:12 thing that it can do to address crime problems caused  
 35:13 by the opioid crisis was to file this lawsuit.  
 35:14 Q. Does the Commission have the power to pass  
 35:15 ordinances?  
 35:16 A. It does. But then it also has a problem  
 35:17 with enforcing those.  
 35:18 Q. What's the problem?  
 35:19 A. It's all over the state. It's how our  
 35:20 county governments are set up. The enforcement of  
 35:21 codes through county government are just -- it's an  
 35:22 issue. It's -- ordinances -- county ordinances are  
 35:23 hard to enforce.

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28	<b>38:4 -38:24</b>	Thompson, Beth 2020-07-23	00:01:12	00:16:20	02:09:12	Thompson_B-07232	MV181.28
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38:4 MR. RUBY: Could you read it back?  
 38:5 (The reporter read back the following  
 38:6 as requested: "QUESTION: Why is the noise ordinance  
 38:7 difficult to enforce?"  
 38:8 A. First of all, I want to say that the county  
 38:9 is not embarrassed over anything. The County  
 38:10 Commission did what it could do by filing this  
 38:11 lawsuit because of the problem that you all created  
 38:12 here. So the Commission is not embarrassed about  
 38:13 anything.  
 38:14 And enforcement of a noise ordinance code  
 38:15 in our county is just -- it's ridiculous to even be  
 38:16 asking us that, number one, but enforcement is --  
 38:17 there is all kinds of reasons. I don't know all the  
 38:18 specifics, but I do know that functions of county

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

38:19 government are specific, and controlling what the  
 38:20 distributors did in this county is not one of the  
 38:21 functions that we have any control over.  
 38:22 So we're not embarrassed about anything.  
 38:23 And we've watched this county suffer, and the only  
 38:24 thing we could do, we did, we filed this lawsuit.

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29	<b>39:8 -39:16</b>	Thompson, Beth 2020-07-23	00:00:33	00:17:32	02:08:00	Thompson_B-07232	MV181.29
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39:8 Q. What did the county do about the opioid  
 39:9 problem here in the 11 years between 2006 and 2017?  
 39:10 A. Well, the county watched things get set up,  
 39:11 like Lily's Place, and all of these sober living  
 39:12 homes, and Suboxone clinics and, you know, we watched  
 39:13 all of it get set up to try to scratch the surface of  
 39:14 this problem. And none of it is working.  
 39:15 So we finally were able to step in and do  
 39:16 something for the county by filing this lawsuit.

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30	<b>40:3 -41:5</b>	Thompson, Beth 2020-07-23	00:00:50	00:18:05	02:07:27	Thompson_B-07232	MV181.30
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40:3 Q. What was the County Commission's  
 40:4 involvement in setting up Lily's Place?  
 40:5 A. None.  
 40:6 Q. You also mentioned sober living homes.  
 40:7 What was the County Commission's involvement in  
 40:8 establishing sober living homes?  
 40:9 A. None. That's my point. The Commission  
 40:10 doesn't have those kind of functions and roles.  
 40:11 Q. Did the Commission provide any funding for  
 40:12 Lily's Place?  
 40:13 A. No.  
 40:14 Q. Did the Commission provide any funding for  
 40:15 sober living homes?  
 40:16 A. No.  
 40:17 Q. You mentioned Suboxone clinics. Did the  
 40:18 Commission have any role in setting up Suboxone  
 40:19 clinics in Cabell County?  
 40:20 A. No.  
 40:21 Q. Did it provide any funding for those  
 40:22 clinics?  
 40:23 A. No.  
 40:24 Q. Why not?  
 41:1 A. That's not part of our function.

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

41:2 Q. Could the Commission have provided funding  
 41:3 for Lily's Place?  
 41:4 A. I don't know. I would have to check into  
 41:5 it.

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31      **42:3 -42:13**      Thompson, Beth 2020-07-23      00:00:33    00:18:55    02:06:37    Thompson\_B-07232    MV181.31

42:3 Q. Okay. I want to return to ordinances. And  
 42:4 I think you anticipated the question I was going to  
 42:5 ask when you raised the problem of enforcing  
 42:6 ordinances. Has the county ever passed an ordinance  
 42:7 to address the opioid problem?  
 42:8 A. No.  
 42:9 Q. Why not?  
 42:10 A. I'm not sure.  
 42:11 Q. Has the county ever considered passing an  
 42:12 ordinance to address the opioid problem?  
 42:13 A. Not that we're aware of.

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32      **43:8 -43:12**      Thompson, Beth 2020-07-23      00:00:13    00:19:28    02:06:04    Thompson\_B-07232    MV181.32

43:8 Q. Ms. Thompson, I've handed you what has been  
 43:9 marked Exhibit 17.  
 43:10 A. Okay.  
 43:11 Q. You can take a minute to familiarize  
 43:12 yourself with it. (Edited)

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33      **43:12 -44:24**      Thompson, Beth 2020-07-23      00:01:38    00:19:41    02:05:51    Thompson\_B-07232    MV181.33

43:12 Do you recognize this? (Edited)  
 43:13 A. Yes.  
 43:14 Q. What is it?  
 43:15 A. It's a page off of the website that says  
 43:16 "County Ordinances," and then it's ordinances in  
 43:17 behind it.  
 43:18 Q. And on page 1 of the exhibit here, there is  
 43:19 a list of county ordinances; is that right?  
 43:20 A. Yes.  
 43:21 Q. And the first ordinance that's listed here  
 43:22 is "Adults Only Establishments."  
 43:23 Is that right?  
 43:24 A. Correct.  
 44:1 Q. Are you familiar with what that ordinance  
 44:2 does?  
 44:3 A. It would refer to what it says, adults only

■ Defense Affirmatives    ■ Plaintiff Completeness Counts    ■ Defense Counter Counts    ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

44:4 establishments. But I see it's not in here, so.  
 44:5 Q. And the next one on the list is Adults Only  
 44:6 Permit Applications; is that right?  
 44:7 A. Correct.  
 44:8 Q. And then E911?  
 44:9 A. Correct.  
 44:10 Q. Do you know what the E911 ordinance does?  
 44:11 A. It would be referencing the 911 Center.  
 44:12 Q. And then there is an ordinance on leash  
 44:13 law. Do you see that?  
 44:14 A. I see it, yes.  
 44:15 Q. And then one on mapping and addressing,  
 44:16 noise control one, noise control two, floodplain  
 44:17 ordinance, building a floodplain permit application,  
 44:18 dog shelter permit application, and smoking ban.  
 44:19 Did I read that correctly?  
 44:20 A. You did.  
 44:21 Q. And my question -- the reason for reading  
 44:22 all of those is this: Why has the County Commission  
 44:23 chosen to enact ordinances on all of these subjects  
 44:24 but no ordinance on the subject of opioid abuse?

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34      **45:3 -46:15**      Thompson, Beth 2020-07-23      00:02:11    00:21:19    02:04:13    Thompson\_B-07232    MV181.34

45:3 A. These ordinances have been here for a  
 45:4 while, and the Commission is doing what it feels like  
 45:5 it can for the county by filing the lawsuit.  
 45:6 Q. Would the county have been able to use the  
 45:7 same legal authority through which it enacted these  
 45:8 ordinances to also enact an ordinance on prescription  
 45:9 opioids if it had chosen?  
 45:10 A. I believe we could have, yes.  
 45:11 Q. But to your knowledge, the county has never  
 45:12 considered doing that?  
 45:13 A. Correct.  
 45:14 Q. We have talked, Ms. Thompson, about a  
 45:15 couple methods of diversion, one of those being theft  
 45:16 of prescription opioids, one of those being people  
 45:17 obtaining prescription opioids from family members.  
 45:18 Is it also true that a diversion pathway in Cabell  
 45:19 County is the sale of prescription opioids by street  
 45:20 dealers?  
 45:21 A. Yes, that could be one.

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters


**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

45:22 Q. Is that, in fact, a problem that exists in  
 45:23 Cabell County?  
 45:24 A. Yes.  
 46:1 Q. Is it a significant problem here?  
 46:2 A. Yes.  
 46:3 Q. Is it the case that many of those street  
 46:4 dealers come from outside the state to sell  
 46:5 prescription pills here?  
 46:6 A. Probably.  
 46:7 Q. When did the County Commission first become  
 46:8 aware that it had a problem with street dealers  
 46:9 selling prescription pills?  
 46:10 A. I'm going to go back to the allegations in  
 46:11 the lawsuit. In 2006.  
 46:12 Q. Has the County Commission done anything to  
 46:13 prevent street dealers from selling prescription  
 46:14 pills here?  
 46:15 A. It's not a function that it can do.

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35      **46:16-48:21**      Thompson, Beth 2020-07-23      00:03:18    00:23:30    02:02:02    Thompson\_B-07232    MV181.35

46:16 Q. Has the County Commission allocated any  
 46:17 funding to prevent street dealers from selling  
 46:18 prescription pills here?  
 46:19 A. It would be the Commission's opinion that,  
 46:20 you know, all of the law enforcement budget would  
 46:21 fight all crime.  
 46:22 Q. I'll ask a question similar to the one that  
 46:23 I asked about -- about theft of prescription opioids  
 46:24 here in Cabell County. Has the Commission ever  
 47:1 allocated any funding specifically for the purpose of  
 47:2 preventing street dealers from selling prescription  
 47:3 opioids?  
 47:4 A. It would be the law enforcement budget.  
 47:5 Q. Is there any specific part of the law  
 47:6 enforcement budget that is dedicated to prescription  
 47:7 opioids?  
 47:8 A. It's dedicated to crime in the county.  
 47:9 Q. Meaning all crime?  
 47:10 A. Correct.  
 47:11 Q. Not prescription opioids specifically?  
 47:12 A. Correct. That's our function, is to handle  
 47:13 the whole county.

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

47:14 Q. If the County Commission had chosen to  
 47:15 allocate a specific portion of the sheriff's office  
 47:16 budget to fighting prescription opioids, would it  
 47:17 have had the legal authority to do that?  
 47:18 A. No, I don't believe so.  
 47:19 Q. And what would have prevented the County  
 47:20 Commission from doing that?  
 47:21 A. The County Commission sets the budget for  
 47:22 the officeholders, the other constitutional officers.  
 47:23 It cannot tell them how to place in their line items.  
 47:24 And then the state tells each of us, each of the  
 48:1 officeholders what the line items are.  
 48:2 Q. Can the County Commission adjust the amount  
 48:3 in any given line item of an officeholder's budget?  
 48:4 A. No.  
 48:5 Q. And I'm genuinely trying to understand  
 48:6 this. If the sheriff's office presents a budget, and  
 48:7 it has, let's just say \$500,000 in the line for  
 48:8 payroll, you're saying that the County Commission  
 48:9 doesn't have the ability to change that to 450,000 or  
 48:10 550,000?  
 48:11 A. The officeholders themselves have to  
 48:12 request the changes.  
 48:13 Q. I see. Okay. And so you're saying that  
 48:14 the County Commission simply has to say "yes" or "no"  
 48:15 on each line? In other words, it can't -- it can't  
 48:16 change the amount that is on any line of the  
 48:17 sheriff's office budget?  
 48:18 A. Correct. It gives -- it gives the -- each  
 48:19 officeholder like a bottom line, and that  
 48:20 officeholder decides within its line items how it  
 48:21 wants it allocated.

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36      **48:22-49:5**      Thompson, Beth 2020-07-23      00:00:24   00:26:48   01:58:44   Thompson\_B-07232   MV181.36

48:22 Q. Does the County Commission have the power  
 48:23 to reject the allocation among line items that the  
 48:24 officeholder proposes?  
 49:1 A. I think it would.  
 49:2 Q. Has the County Commission ever rejected the  
 49:3 line item allocation proposed by the sheriff's  
 49:4 office?  
 49:5 A. Not that we're aware of.

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters



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37	<b>49:6 -49:16</b>	Thompson, Beth 2020-07-23	00:00:30	00:27:12	01:58:20	Thompson_B-07232	MV181.37
	49:6	Q. If the County Commission had chosen to					
	49:7	reject the sheriff's office line item allocation					
	49:8	because it didn't provide funding specific for					
	49:9	opioids, would it have had the legal authority to do					
	49:10	that?					
	49:11	A. The state doesn't give us a line item					
	49:12	specific for opioids.					
	49:13	Q. And so you're saying that the lines that					
	49:14	are in the sheriff's office budget are prescribed by					
	49:15	the Auditor's Office; is that right?					
	49:16	A. Yes.					
38	<b>49:17 -49:21</b>	Thompson, Beth 2020-07-23	00:00:23	00:27:42	01:57:50	Thompson_B-07232	MV181.38
	49:17	Q. On the issue of drug dealers selling					
	49:18	prescription opioids, other than what we've already					
	49:19	discussed, has the county taken any steps to prevent					
	49:20	that from occurring?					
	49:21	A. Other than the lawsuit, no.					
39	<b>51:14 -52:2</b>	Thompson, Beth 2020-07-23	00:00:47	00:28:05	01:57:27	Thompson_B-07232	MV181.39
	51:14	I asked about diversion by people obtaining					
	51:15	prescription opioids from family members. Is it also					
	51:16	the case that diversion occurs in Cabell County by					
	51:17	people obtaining prescription opioids from friends,					
	51:18	in addition to family members?					
	51:19	A. We would think so.					
	51:20	Q. Does the Commission know one way or another					
	51:21	whether that's ever occurred in Cabell County?					
	51:22	A. It does.					
	51:23	Q. And is it also the case that diversion					
	51:24	occurs in Cabell County by means of people using					
	52:1	forged or fraudulent prescriptions?					
	52:2	A. Yes.					
40	<b>56:18 -56:23</b>	Thompson, Beth 2020-07-23	00:00:19	00:28:52	01:56:40	Thompson_B-07232	MV181.40
	56:18	Q. As a factual matter, though, setting aside					
	56:19	the Commission's position on what is or is not its					
	56:20	role, has the Commission done anything to find out					
	56:21	what the causes are of the opioid problem here?					
	56:22	A. It's hired experts and attorneys to look					



Defense Affirmatives



Plaintiff Completeness Counters



Defense Counter Counters



Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

56:23 into all of it.

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41      **57:14 -57:19**      Thompson, Beth 2020-07-23      00:00:20    00:29:11    01:56:21    Thompson\_B-07232    MV181.41

57:14 Q. Does -- Is the County Commission able to  
 57:15 name any cause of the opioid problem that exists  
 57:16 here?  
 57:17 A. Yes, these distributors that we've sued.  
 57:18 Q. Other than --  
 57:19 A. -- the main cause.

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42      **58:4 -59:20**      Thompson, Beth 2020-07-23      00:02:16    00:29:31    01:56:01    Thompson\_B-07232    MV181.42

58:4 Q. And my question is not about the function  
 58:5 of the County Commission. My question was a factual  
 58:6 question, which is that other than the distributors  
 58:7 who are defendants in this case, can the County  
 58:8 Commission identify any other cause of the opioid  
 58:9 problem here?  
 58:10 A. It's not -- What I'm trying to say is it's  
 58:11 not the role of the County Commission. It's not our  
 58:12 function to find out other causes. We just know that  
 58:13 there's a crisis here, so we are doing the only thing  
 58:14 we can to try to fix the problem you all created, and  
 58:15 file this lawsuit.  
 58:16 Q. Is it a function of the County Commission  
 58:17 to determine that the distributors who are defendants  
 58:18 in this case were a cause of the opioid problem?  
 58:19 A. It was a function of the Commission to try  
 58:20 to fix the problem that was created here, and we  
 58:21 hired attorneys to do that for us. And we've been in  
 58:22 constant contact with our attorneys since we filed  
 58:23 this suit.  
 58:24 Q. How did the County Commission determine  
 59:1 that the defendants in this case were a cause of the  
 59:2 opioid problem?  
 59:3 A. Through the lawsuit.  
 59:4 Q. Through the lawsuit?  
 59:5 A. Yes.  
 59:6 Q. Before the -- Before this case was filed,  
 59:7 did the County Commission know what any of the causes  
 59:8 of the opioid problem were?  
 59:9 A. It knew there were several causes -- it  
 59:10 knew there was a problem, and it knew it needed to be

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

59:11 fixed. So it did what it could do and filed the  
 59:12 lawsuit.  
 59:13 Q. You said it knew there were several causes  
 59:14 before it filed this lawsuit. What were those?  
 59:15 A. I can't specifically name them at the  
 59:16 moment.  
 59:17 Q. Can you name any of them?  
 59:18 A. The addiction rate seemed to go up, but --  
 59:19 crime was going up, all kinds of things in the  
 59:20 community. And we knew there was a problem.

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43	<b>60:3 -60:16</b>	Thompson, Beth 2020-07-23	00:00:44	00:31:47	01:53:45	Thompson_B-07232	MV181.43
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60:3 Q. So am I correct then from 2006 to 2017, the  
 60:4 County Commission knew that there was an opioid  
 60:5 problem in Cabell County but did not know what any of  
 60:6 the causes were?  
 60:7 A. It wasn't its function to find out the  
 60:8 causes.  
 60:9 Q. And I think we're just going to just keep  
 60:10 going around and around about this.  
 60:11 A. I think we are too.  
 60:12 Q. I'm not asking, and haven't asked, whether  
 60:13 it was the function of the County Commission to find  
 60:14 out the causes. My question is whether the County  
 60:15 Commission knew any of the causes.  
 60:16 A. It's not a role of theirs to know.

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44	<b>60:17 -60:24</b>	Thompson, Beth 2020-07-23	00:00:26	00:32:31	01:53:01	Thompson_B-07232	MV181.44
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60:17 Q. Does that mean that they didn't know then?  
 60:18 A. No, it's just not their role and their  
 60:19 function. It's not their role or their function.  
 60:20 They're the fiscal agents of the county.  
 60:21 Q. The County Commission did know then what  
 60:22 the causes were of the opioid crisis prior to 2017?  
 60:23 A. It's not their function or their role to  
 60:24 know.

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45	<b>63:13 -63:16</b>	Thompson, Beth 2020-07-23	00:00:14	00:32:57	01:52:35	Thompson_B-07232	MV181.45
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63:13 Q. Ms. Thompson, what does the County  
 63:14 Commission believe to be the components of the opioid  
 63:15 crisis?  
 63:16 A. I believe that there's addiction. Abuse.

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters


**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

46	<b>65:1 -65:8</b>	Thompson, Beth 2020-07-23	00:00:33	00:33:11	01:52:21	Thompson_B-07232	MV181.46
	65:1	Q. So the question was: Does the Commission					
	65:2	know whether marketing of prescription opioids has					
	65:3	been a component of the cause of the opioid crisis					
	65:4	here?					
	65:5	A. It would think it would have to be. But					
	65:6	it's not a function of the Commission to know that.					
	65:7	Q. Okay. And you testified -- I want to make					
	65:8	sure I get this right.					
47	<b>65:9 -66:6</b>	Thompson, Beth 2020-07-23	00:01:17	00:33:44	01:51:48	Thompson_B-07232	MV181.47
	65:9	All right. You testified earlier when I					
	65:10	asked: Is the County Commission able to name any					
	65:11	cause of the opioid problem that exists here, you					
	65:12	testified, "Yes, these distributors that we've sued."					
	65:13	And so then my follow-up question to that					
	65:14	is whether the County Commission is able to name any					
	65:15	other causes of the opioid problem here besides the					
	65:16	distributors that the county has sued.					
	65:17	A. Yes, there are lots of causes and blame to					
	65:18	throw around.					
	65:19	Q. Okay. Could you give me an example of one					
	65:20	of those causes?					
	65:21	A. The things we talked about earlier. The					
	65:22	theft, the prescriptions going into the wrong hands.					
	65:23	Q. Is theft -- Is it that theft of					
	65:24	prescription opioids is a cause of the opioid problem					
	66:1	here?					
	66:2	A. Part of it.					
	66:3	Q. And the sale of opioids by drug dealers is					
	66:4	a cause of the opioid problem here; is that right?					
	66:5	A. The Commission would think that there's					
	66:6	lots of causes and people to blame, yes.					
48	<b>66:19 -67:13</b>	Thompson, Beth 2020-07-23	00:01:11	00:35:01	01:50:31	Thompson_B-07232	MV181.48
	66:19	Q. Sure. Let me ask it in a different way. I					
	66:20	asked whether the sale of opioids by drug dealers is					
	66:21	a cause of the opioid problem here, and you					
	66:22	testified: "The Commission would think that there's					
	66:23	lots of causes and people to blame, yes."					
	66:24	And so I'll ask a slightly different					

 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

67:1 question, which is whether one of those causes is the  
 67:2 sale of opioids by drug dealers?  
 67:3 A. We would think that would be one of the  
 67:4 causes, yes, but not the greatest cause definitely.  
 67:5 Q. And how has the Commission determined that  
 67:6 the sale of opioids by drug dealers is not the  
 67:7 greatest cause of the drug problem here?  
 67:8 A. Because the amount that your clients pumped  
 67:9 into our communities would be the greatest cause.  
 67:10 Q. How does the Commission know that?  
 67:11 A. We've been in constant contact with our  
 67:12 counsel since we filed this lawsuit, and the data  
 67:13 that you've given us shows that.

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49      **69:22 -70:12**      Thompson, Beth 2020-07-23      00:00:53    00:36:12    01:49:20    Thompson\_B-07232    MV181.49

69:22 Q. Sticking with Topic No. 2. And I don't  
 69:23 want to misstate your testimony, because I certainly  
 69:24 don't want counsel to have to object. So I'll ask if  
 70:1 I understood you correctly to say that the Commission  
 70:2 believes that companies have marketed opioids in  
 70:3 Cabell County? Did I understand that correctly?  
 70:4 Does the Commission believe that companies  
 70:5 have marketed opioids in Cabell County?  
 70:6 A. Yes.  
 70:7 Q. Was that marketing harmful?  
 70:8 A. The Commission would think so.  
 70:9 Q. And what does the Commission think was  
 70:10 harmful about the marketing of opioids here?  
 70:11 A. That's why we've hired the experts and the  
 70:12 lawyers to determine.

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50      **73:9 -73:15**      Thompson, Beth 2020-07-23      00:00:43    00:37:05    01:48:27    Thompson\_B-07232    MV181.50

73:9 Q. And I don't want to invade the Commission's  
 73:10 communications with counsel, certainly. So let me  
 73:11 ask whether prior to meeting with counsel the County  
 73:12 Commission had ever considered filing this lawsuit?  
 73:13 A. The Commission had been aware of a major  
 73:14 problem in the county and was looking to find a way  
 73:15 to fix it, and so it talked with counsel.

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51      **73:16 -73:22**      Thompson, Beth 2020-07-23      00:00:25    00:37:48    01:47:44    Thompson\_B-07232    MV181.51

73:16 Q. Again, I want to make sure we're on the

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

73:17 same page about the question. Understanding that the  
 73:18 Commission had been aware of a problem in the county  
 73:19 and was looking for solutions, my question is still  
 73:20 whether prior to meeting with counsel the county had  
 73:21 ever considered filing this lawsuit?  
 73:22 A. Not that I'm aware of.

52	<b>75:20 -76:2</b>	Thompson, Beth 2020-07-23	00:00:16	00:38:13	01:47:19	Thompson_B-07232	MV181.52
	75:20	Q. Is it your testimony that it's not a part					
	75:21	of the function of the County Commission to receive					
	75:22	complaints from citizens about prescription opioids?					
	75:23	A. Correct.					
	75:24	Q. And the County Commission has never					
	76:1	received a complaint from a citizen about					
	76:2	prescription opioids?					
53	<b>76:3 -76:3</b>	Thompson, Beth 2020-07-23	00:00:01	00:38:29	01:47:03	Thompson_B-07232	MV181.53
	76:3	A. Actually --					
54	<b>76:5 -76:11</b>	Thompson, Beth 2020-07-23	00:00:25	00:38:30	01:47:02	Thompson_B-07232	MV181.54
	76:5	Q. I think the question that was pending when					
	76:6	Mr. Fuller brought the coffee in was whether the					
	76:7	County Commission had ever received a complaint from					
	76:8	a citizen about prescription opioids.					
	76:9	A. I believe in their individual capacities,					
	76:10	some may have. But the Commission isn't aware that					
	76:11	someone has come to the Commission as a body.					
55	<b>82:18 -82:22</b>	Thompson, Beth 2020-07-23	00:00:23	00:38:55	01:46:37	Thompson_B-07232	MV181.55
	82:18	Q. So let me ask, Ms. Thompson: Can the					
	82:19	Commission identify any opioid prescriptions for					
	82:20	which it is seeking remedies in this lawsuit?					
	82:21	A. The County Commission has hired the					
	82:22	attorneys and the experts to ascertain this.					
56	<b>84:22 -85:21</b>	Thompson, Beth 2020-07-23	00:01:14	00:39:18	01:46:14	Thompson_B-07232	MV181.56
	84:22	My question is whether it's the position of				(Edited)	
	84:23	the Commission that every opioid prescription written					
	84:24	in Cabell County has contributed to the harms alleged					
	85:1	in the lawsuit.					
	85:2	A. The function of County Commission					
	85:3	government is to be the fiscal agents of the county,					

Defense Affirmatives

Plaintiff Completeness Counte

Defense Counter Counters

Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

85:4 not to be watching how many pills come into our  
 85:5 county. And so, you know, our attorneys have asked  
 85:6 for the information and -- for two years, I think  
 85:7 they said, and we still haven't been given access to  
 85:8 it. So, you know, it's not our function to know  
 85:9 these things.  
 85:10 Q. Setting aside the reason for the county's  
 85:11 knowledge or lack of knowledge, can the county  
 85:12 identify any prescription that has contributed to the  
 85:13 harms it alleges in the Complaint?  
 85:14 A. The county is not supposed to. It's not  
 85:15 our function. No, the county is not supposed to.  
 85:16 It's not our function.  
 85:17 Q. So the answer is "no," because --  
 85:18 A. It's not our function. It's not our role.  
 85:19 That's why we hired the attorneys to file the lawsuit  
 85:20 to fix this horrible problem that you have created  
 85:21 here.

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57	<b>85:22 -86:6</b>	Thompson, Beth 2020-07-23	00:00:25	00:40:32	01:45:00	Thompson_B-07232	MV181.57
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85:22 Q. Other than filing this lawsuit and hiring  
 85:23 Mr. Farrell and his colleagues, has the county done  
 85:24 anything else to try to identify prescriptions that  
 86:1 have caused the harm alleged in the Complaint?  
 86:2 A. The county's functions are set out  
 86:3 specifically, and we don't have that function or  
 86:4 role. This was the only thing we could do.  
 86:5 MR. FARRELL: So the answer is?  
 86:6 THE DEPONENT: No.

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58	<b>86:7 -86:21</b>	Thompson, Beth 2020-07-23	00:00:42	00:40:57	01:44:35	Thompson_B-07232	MV181.58
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86:7 Q. Does the sheriff's office investigate drug  
 86:8 cases?  
 86:9 A. Yes.  
 86:10 Q. Has the sheriff's office ever in the course  
 86:11 of investigating a drug case identified a  
 86:12 prescription that contributed to the harms alleged in  
 86:13 the Complaint?  
 86:14 A. You'd need to talk to the sheriff about  
 86:15 anything that they've investigated.  
 86:16 Q. Is that something that the Commission has  
 86:17 ever tried to find out from the sheriff's office?

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

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86:18 A. The Commission doesn't function that way.  
 86:19 It's not our role. It hasn't tried to find out. We  
 86:20 have no reason to try to find out. It's not part of  
 86:21 what we do on our day-to-day basis, so no.

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59      **87:13 -87:19**      Thompson, Beth 2020-07-23      00:00:24   00:41:39   01:43:53   Thompson\_B-07232   MV181.59

87:13 Q. In the view of the Commission -- and you've  
 87:14 given a good deal of testimony, Ms. Thompson, about  
 87:15 the function of the County Commission. In the view  
 87:16 of the Commission, is there anything that the  
 87:17 Commission could have done to try to abate the opioid  
 87:18 problem in Cabell County besides filing this lawsuit?  
 87:19 A. No.

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60      **92:1 -92:7**      Thompson, Beth 2020-07-23      00:00:25   00:42:03   01:43:29   Thompson\_B-07232   MV181.60

92:1 My question is simply a factual  
 92:2 one, which is why the witness made the decision not  
 92:3 to ask the sheriff's office for information  
 92:4 responsive to Topic No. 3.  
 92:5 A. The County Commission didn't know it needed  
 92:6 to. It's not our function. It's something you  
 92:7 should have been asking the sheriff.

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61      **96:18 -97:4**      Thompson, Beth 2020-07-23      00:00:32   00:42:28   01:43:04   Thompson\_B-07232   MV181.61

96:18 Q. Did the county ever take any steps to  
 96:19 impose limits on the prescription opioids that it  
 96:20 would reimburse or pay for?  
 96:21 A. The county has no function or role  
 96:22 whatsoever in that.  
 96:23 Q. And that may be a reason that the county in  
 96:24 its view -- or the Commission in its view hasn't  
 97:1 taken those steps, but my question is whether the  
 97:2 county has ever taken any steps to --  
 97:3 A. No. It can't. No. It would have no way  
 97:4 of doing that.

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62      **97:9 -97:13**      Thompson, Beth 2020-07-23      00:00:23   00:43:00   01:42:32   Thompson\_B-07232   MV181.62

97:9 Q. Are you aware that physical therapy, for  
 97:10 example, can be an alternative course of treatment to  
 97:11 prescribing opioids for pain relief?  
 97:12 A. We aren't doctors. We aren't  
 97:13 prescribing -- We're not health insurance providers.

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■ Defense Affirmatives    ■ Plaintiff Completeness Counts    ■ Defense Counter Counts    ■ Plaintiff Counters



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63	<b>98:4 -98:18</b>	Thompson, Beth 2020-07-23	00:00:42	00:43:23	01:42:09	Thompson_B-07232	MV181.63
	98:4	Q. Did the county ever take any steps to cause					
	98:5	its insurer to make physical therapy available as an					
	98:6	alternative to prescription opioids?					
	98:7	A. Not that we're aware of.					
	98:8	Q. Was that something that the county ever					
	98:9	considered?					
	98:10	A. We don't recall considering anything like					
	98:11	that.					
	98:12	MR. FARRELL: So the answer is?					
	98:13	THE DEPONENT: No.					
	98:14	Q. And setting aside physical therapy, did the					
	98:15	county ever take any steps to cause its health					
	98:16	insurer to make any alternative to prescription					
	98:17	opioids available to county employees?					
	98:18	A. Not that we're aware of.					
64	<b>99:11 -99:14</b>	Thompson, Beth 2020-07-23	00:00:11	00:44:05	01:41:27	Thompson_B-07232	MV181.64
	99:11	Q. Does the county employ any physicians --					
	99:12	Does the County Commission employ any physicians who					
	99:13	provide medical treatment?					
	99:14	A. No.					
65	<b>100:3 -100:9</b>	Thompson, Beth 2020-07-23	00:00:23	00:44:16	01:41:16	Thompson_B-07232	MV181.65
	100:3	Q. Does the -- Other than Mr. Wright, does the					
	100:4	County Commission employ any other health care					
	100:5	providers who provide medical treatment?					
	100:6	A. If EMS and paramedics are considered health					
	100:7	care providers, then, yes, it would.					
	100:8	Q. Do paramedics write prescriptions?					
	100:9	A. No.					
66	<b>107:23 -108:4</b>	Thompson, Beth 2020-07-23	00:00:22	00:44:39	01:40:53	Thompson_B-07232	MV181.66
	107:23	Q. And what is the appropriate use for					
	107:24	prescription opioids?					
	108:1	A. The Commission is not a doctor, pharmacist,					
	108:2	by any means. It's not part of our function or role,					
	108:3	but we would think that anything with a legal					
	108:4	prescription would be proper use.					
67	<b>108:7 -108:21</b>	Thompson, Beth 2020-07-23	00:00:51	00:45:01	01:40:31	Thompson_B-07232	MV181.67

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108:7 Q. Has -- or is the County Commission aware of  
 108:8 any instance in which a physician in Cabell County  
 108:9 has inappropriately prescribed opioids?  
 108:10 A. Yes. The County Commission is aware of --  
 108:11 and I believe we answered that in some of the  
 108:12 interrogatory answers.  
 108:13 Q. Can you tell me what -- tell me an  
 108:14 instance, and if there are more, we'll talk through  
 108:15 them, but what's an instance in which the County  
 108:16 Commission is aware in which a physician here has  
 108:17 inappropriately prescribed opioids?  
 108:18 A. I believe there was Anita Dawson.  
 108:19 Q. Anita Dawson was a physician here in Cabell  
 108:20 County?  
 108:21 A. Physician, yes. Milton.

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68      **108:22 -109:4**      Thompson, Beth 2020-07-23      00:00:33    00:45:52    01:39:40    Thompson\_B-07232    MV181.68

108:22 Q. What did she do?  
 108:23 A. She was a DO, I believe, and she actually  
 108:24 prescribed too many prescriptions -- too many opioid  
 109:1 prescriptions and ultimately lost her license. And  
 109:2 that's one instance, yes, the Commission is aware of.  
 109:3 Q. Was Dr. Dawson prosecuted?  
 109:4 A. Yes.

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69      **109:5 -109:11**      Thompson, Beth 2020-07-23      00:00:16    00:46:25    01:39:07    Thompson\_B-07232    MV181.69

109:5 Q. Dr. Dawson was prescribing opioids  
 109:6 illegally; is that right?  
 109:7 A. Yes.  
 109:8 Q. And that's the reason that the Commission  
 109:9 believes that her prescriptions were inappropriate;  
 109:10 is that right?  
 109:11 A. Yes.

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70      **109:22 -110:8**      Thompson, Beth 2020-07-23      00:00:36    00:46:41    01:38:51    Thompson\_B-07232    MV181.70

109:22 Q. But sticking to doctors for now, is the  
 109:23 Commission aware of any doctors besides Dr. Dawson  
 109:24 who inappropriately prescribed opioids in Cabell  
 110:1 County?  
 110:2 A. I don't think so. I mean, other than what  
 110:3 would be in the news or...  
 110:4 Q. What steps has the Commission taken to

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110:5 identify doctors in Cabell County who are  
 110:6 inappropriately prescribing opioids?  
 110:7 A. The Commission hasn't taken any steps.  
 110:8 It's not our function or role to know this.

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71      **112:15-112:20**      Thompson, Beth 2020-07-23      00:00:20    00:47:17    01:38:15    Thompson\_B-07232    MV181.71

112:15 Q. That's fine. Other than the pharmacies  
 112:16 that are described in the county's interrogatory  
 112:17 responses, is the Commission aware of any other  
 112:18 pharmacy in Cabell County that's inappropriately  
 112:19 dispensed opioids?  
 112:20 A. Other than what would be in the news, no.

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72      **113:5-113:10**      Thompson, Beth 2020-07-23      00:00:21    00:47:37    01:37:55    Thompson\_B-07232    MV181.72

113:5 Q. Okay. What steps has the county taken --  
 113:6 strike that. What steps has the Commission taken to  
 113:7 identify any other pharmacies in Cabell County that  
 113:8 are inappropriately dispensing opioids?  
 113:9 A. Other than hiring the attorneys and  
 113:10 experts, no other steps.

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73      **113:11-113:20**      Thompson, Beth 2020-07-23      00:00:35    00:47:58    01:37:34    Thompson\_B-07232    MV181.73

113:11 Q. To the best of the County Commission's  
 113:12 knowledge, then, is it correct that physicians in  
 113:13 Cabell County, other than Anita Dawson, have  
 113:14 prescribed prescription opioids appropriately?  
 113:15 A. Can you say the first part of the question  
 113:16 again?  
 113:17 Q. To the best of the Commission's knowledge,  
 113:18 have physicians in Cabell County, other than  
 113:19 Dr. Dawson, prescribed opioids appropriately?  
 113:20 A. To the best of its knowledge, yes.

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74      **115:8-115:13**      Thompson, Beth 2020-07-23      00:00:18    00:48:33    01:36:59    Thompson\_B-07232    MV181.74

115:8 Q. Does the Commission agree that it's up to  
 115:9 doctors to decide when a patient needs prescription  
 115:10 opioids?  
 115:11 A. The Commission is not a doctor, but would  
 115:12 agree that, yes, that's -- it would be up to a  
 115:13 doctor.

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75      **115:14-115:17**      Thompson, Beth 2020-07-23      00:00:22    00:48:51    01:36:41    Thompson\_B-07232    MV181.75

■ Defense Affirmatives    ■ Plaintiff Completeness Counts    ■ Defense Counter Counts    ■ Plaintiff Counters

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115:14 Q. Is it true that over time, doctors have  
 115:15 written more and more opioid prescriptions?  
 115:16 A. I mean, that's all information that we've  
 115:17 hired the attorney and experts to determine.

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76      **115:18 -115:24**      Thompson, Beth 2020-07-23      00:00:26    00:49:13    01:36:19    Thompson\_B-07232    MV181.76

115:18 Q. Does the Commission know whether more  
 115:19 opioid prescriptions are written in Cabell County  
 115:20 today than there were in, say, 2000?  
 115:21 A. It's not a function of the county  
 115:22 commission government to know that.  
 115:23                    MR. FARRELL: So the answer is?  
 115:24                    THE DEPONENT: No.

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77      **116:1 -116:12**      Thompson, Beth 2020-07-23      00:00:53    00:49:39    01:35:53    Thompson\_B-07232    MV181.77

116:1 Q. Does -- Has there been any period of time  
 116:2 in which the number of opioid prescriptions written  
 116:3 in Cabell County has increased?  
 116:4 A. It would be information that we have hired  
 116:5 the attorneys and the experts to determine.  
 116:6 Q. So independent of what the Commission may  
 116:7 or may not know from experts and attorneys involved  
 116:8 in this litigation, the Commission doesn't know  
 116:9 whether the number of opioid prescriptions written in  
 116:10 Cabell County has ever increased?  
 116:11 A. Other than what we have learned from this  
 116:12 litigation, no.

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78      **116:13 -116:17**      Thompson, Beth 2020-07-23      00:00:23    00:50:32    01:35:00    Thompson\_B-07232    MV181.78

116:13 Q. Okay. Topic No. 7 concerns the standard of  
 116:14 care with respect to the treatment of pain. Do you  
 116:15 know what that phrase means, Ms. Thompson, "standard  
 116:16 of care with respect to the treatment of pain"?  
 116:17 A. No.

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79      **116:21 -117:10**      Thompson, Beth 2020-07-23      00:00:52    00:50:55    01:34:37    Thompson\_B-07232    MV181.79

116:21 Q. Sure. And my question is directed to you,  
 116:22 Ms. Thompson, as the representative of the County  
 116:23 Commission.  
 116:24 A. No, the Commission is not -- their function  
 117:1 is not to know the standard of care.  
 117:2 Q. So that's a little bit different, I think,

■ Defense Affirmatives    ■ Plaintiff Completeness Counts    ■ Defense Counter Counts    ■ Plaintiff Counters

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117:3 from the question I was asking. Setting aside  
 117:4 whether the Commission knows what the standard of  
 117:5 care is, does the Commission understand what I  
 117:6 mean -- do you understand here as representative of  
 117:7 the Commission what I mean when I refer to the  
 117:8 standard of care for the treatment of pain?  
 117:9 A. Again, no, this is not a function or role  
 117:10 of county commission government.

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80	<b>124:3 -126:11</b>	Thompson, Beth 2020-07-23	00:02:30	00:51:47	01:33:45	Thompson_B-07232	MV181.80
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124:3 My question was what harms  
 124:4 the county has suffered from the marketing of  
 124:5 opioids.  
 124:6 The response that you gave and the harms  
 124:7 that you identified, are those harms that the county  
 124:8 has suffered from the marketing of opioids?  
 124:9 A. Yes. And are you going to go through each  
 124:10 one, marketing, distribution, and then dispensing,  
 124:11 and you know, is it each thing you're going to go  
 124:12 through? Because in the County Commission's eyes,  
 124:13 it's all of it has harmed us, and it has harmed the  
 124:14 county as a whole.  
 124:15 Q. So the harms that you identified in your  
 124:16 previous testimony in the view of the County  
 124:17 Commission, those are harms that have been caused by  
 124:18 the marketing of opioids, the promotion of opioids,  
 124:19 the distribution of opioids, the dispensing of  
 124:20 opioids, and the diversion of opioids; is that  
 124:21 correct?  
 124:22 A. Correct. This is all part of this problem  
 124:23 that you all caused by the millions of pills you  
 124:24 dumped into our community.  
 125:1 Q. And the answer that you just gave when you  
 125:2 say "dumped" --  
 125:3 A. Yes. That's what I said earlier yes.  
 125:4 Q. -- do you mean --  
 125:5 A. We feel like you should have just backed a  
 125:6 dump truck in here and just dumped them out, because  
 125:7 that's what it seemed like to us.  
 125:8 Q. But let me ask the question about that  
 125:9 specific answer. When you said "dumped" in that  
 125:10 answer, do you mean filling orders that were placed

(Edited)

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125:11 by licensed pharmacies in Cabell County?  
 125:12 A. No, I mean knowing how many pills you're  
 125:13 sending in here and not doing anything about it.  
 125:14 Q. Do you -- Does the Commission believe that  
 125:15 the defendants in this case distributed pills to  
 125:16 Cabell County that were not ordered by pharmacies  
 125:17 here?  
 125:18 A. We believe that you knew how many you were  
 125:19 sending in here and didn't do anything about it.  
 125:20 That there was more than any of us could have taken,  
 125:21 and you didn't do anything about it.  
 125:22 Q. That's not the question that I asked. The  
 125:23 question is whether the Commission believes that the  
 125:24 defendants in this case distributed pills to Cabell  
 126:1 County that were not ordered by pharmacies here.  
 126:2 A. The Commission believes that you took no  
 126:3 precautions to look at the numbers of pills that you  
 126:4 were sending into this community.  
 126:5 Q. That still doesn't answer my question,  
 126:6 Ms. Thompson. Does the Commission --  
 126:7 A. We believe it does.  
 126:8 Q. Does the Commission believe that the  
 126:9 defendants in this case distributed prescription  
 126:10 opioids to pharmacies in Cabell County that hadn't  
 126:11 ordered those opioids?

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81      **126:15-127:15**      Thompson, Beth 2020-07-23      00:01:28    00:54:17    01:31:15    Thompson\_B-07232    MV181.81

126:15 A. We believe that you all sent millions of  
 126:16 pills into here without doing anything about the  
 126:17 orders, that you knew there was too many coming into  
 126:18 here. That's what we believe.  
 126:19 Q. Which pharmacies in Cabell County does the  
 126:20 Commission believe ordered too many prescription  
 126:21 opioids?  
 126:22 A. You know, as we go on, maybe all of them.  
 126:23 I don't know -- or we don't know, but we're working  
 126:24 on it, and we're asking you for the information.  
 127:1 Q. Let me ask the previous question in a  
 127:2 slightly different way and try to get an answer.  
 127:3 Is the Commission aware of any instance in  
 127:4 which any of the defendants in this case distributed  
 127:5 prescription opioids to a pharmacy in Cabell County

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters


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127:6 that had not ordered those opioids?  
 127:7 A. I believe that that could come out later on  
 127:8 in discovery.  
 127:9 Q. As you sit here now, is the Commission  
 127:10 aware of any instance in that category?  
 127:11 A. No.  
 127:12 Q. Let's talk about No. 9: "All expenditures  
 127:13 made in response to or caused by the opioid  
 127:14 epidemic." What expenditures has the county made in  
 127:15 that category?

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82	<b>127:21 -129:9</b>	Thompson, Beth 2020-07-23	00:02:20	00:55:45	01:29:47	Thompson_B-07232	MV181.82
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127:21 A. Well, the Commission would think that our  
 127:22 entire budget has been expenditures toward this.  
 127:23 But, you know, to say that the state allows us to do  
 127:24 anything as a specific line item on an opioid  
 128:1 epidemic, no, we don't have that function. We don't  
 128:2 have that capability, so.  
 128:3 Q. It's the Commission's position that its  
 128:4 entire budget is spent in response to or consists of  
 128:5 expenditures caused by opioids?  
 128:6 A. A large portion of it, yes, because of our  
 128:7 jail bill and our health care costs, that was like  
 128:8 over half our budget, so yes.  
 128:9 Q. What portion of the county's health care  
 128:10 costs are caused by opioids?  
 128:11 A. I can't quantify it at this time.  
 128:12 Q. Do you think it's the majority?  
 128:13 A. But I think that -- We think that it's all  
 128:14 related back to it.  
 128:15 Q. And when you say the county's health care  
 128:16 costs, do you mean the county's health insurance  
 128:17 expenditures?  
 128:18 A. Yes.  
 128:19 Q. Expenditures that the county makes for  
 128:20 health insurance for its employees?  
 128:21 A. Yes.  
 128:22 Q. And you testified, "We think that it's all  
 128:23 related back to it." Do you mean that all of the  
 128:24 county's expenditures on health insurance for its  
 129:1 employees are related to opioids?  
 129:2 A. Well, just our entire budget is made up

 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counts

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129:3 from the taxpayers' dollars, and this is so  
 129:4 far-reaching, and so broad, it has impacted this  
 129:5 community in so many ways that, you know -- It's our  
 129:6 tax dollars, we pay into this, and then to try to fix  
 129:7 this problem that, you know, crime and everything  
 129:8 else has affected because of the opioid epidemic,  
 129:9 yeah, it's all impacted it. So.

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83      **130:6-130:9**      Thompson, Beth 2020-07-23      00:00:12      00:58:05      01:27:27      Thompson\_B-07232      MV181.83

130:6 Q. Has the County Commission ever attempted to  
 130:7 quantify how much of its employee health insurance  
 130:8 expense stems from the opioid problem?  
 130:9 A. No, it hasn't.

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84      **132:16-132:22**      Thompson, Beth 2020-07-23      00:00:23      00:58:17      01:27:15      Thompson\_B-07232      MV181.84

132:16 Q. The jail bill, the health insurance bill,  
 132:17 we have discussed those. Are there any other --  
 132:18 recognizing the Commission's position that all of its  
 132:19 expenditures are related to opioids, are there any  
 132:20 other specific expenditures that the county can point  
 132:21 to that are responsive to Topic No. 9?  
 132:22 A. The law enforcement.

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85      **133:8-133:12**      Thompson, Beth 2020-07-23      00:00:14      00:58:40      01:26:52      Thompson\_B-07232      MV181.85

133:8 Q. So we've covered law enforcement, jail  
 133:9 bill, and health insurance. Any other specific  
 133:10 expenditures that the Commission believes are related  
 133:11 to the opioid problem?  
 133:12 A. We can't think of any at the moment.

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86      **133:13-134:17**      Thompson, Beth 2020-07-23      00:01:19      00:58:54      01:26:38      Thompson\_B-07232      MV181.86

133:13 Q. Topic 10: Programs, actions that the  
 133:14 county has taken to abate the opioid problem. What  
 133:15 actions has the Commission taken to mitigate or abate  
 133:16 the opioid problem in Cabell County?  
 133:17 A. Filed this lawsuit.  
 133:18 Q. Others?  
 133:19 A. No.  
 133:20 Q. Does the county provide any addiction  
 133:21 treatment?  
 133:22 A. No.  
 133:23 Q. Has the county ever considered doing that?

■ Defense Affirmatives      ■ Plaintiff Completeness Counts      ■ Defense Counter Counts      ■ Plaintiff Counts



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133:24 A. No. It's not a part of county commission  
 134:1 government.  
 134:2 Q. Does the county provide any funding for  
 134:3 programs that provide addiction treatment?  
 134:4 A. No.  
 134:5 Q. Has the county ever considered doing that?  
 134:6 A. No. It's not a function of county  
 134:7 commission government.  
 134:8 Q. Has the county ever taken any action to  
 134:9 limit the number of opioid prescriptions that a  
 134:10 doctor can write?  
 134:11 A. No. It's not a function of county  
 134:12 commission government.  
 134:13 Q. Has the county ever taken action to limit  
 134:14 the number of opioid prescriptions that a pharmacy  
 134:15 can fill?  
 134:16 A. No. It's not a function of county  
 134:17 commission government.

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87	<b>134:18 -134:24</b>	Thompson, Beth 2020-07-23	00:00:38	01:00:13	01:25:19	Thompson_B-07232	MV181.87
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134:18 Q. Has the County Commission ever pursued any  
 134:19 grants to address the opioid problem?  
 134:20 A. The County Commission, with the sheriff  
 134:21 applying for grants, prosecutor's office applying for  
 134:22 grants, having the Commission be the financial  
 134:23 officer listed on those grants, some of those grants  
 134:24 probably were to fight the problem.

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88	<b>135:3 -135:19</b>	Thompson, Beth 2020-07-23	00:00:58	01:00:51	01:24:41	Thompson_B-07232	MV181.88
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135:3 Q. What is the County Commission's role in  
 135:4 grants that are pursued by county officers?  
 135:5 A. To be the financial agent.  
 135:6 Q. And what does that entail?  
 135:7 A. The officeholders will make the  
 135:8 application, and then the Commission has to provide  
 135:9 the resolution and acceptance and those type of  
 135:10 things for it and sign off on it for the  
 135:11 officeholders.  
 135:12 Q. When you say the Commission has to provide  
 135:13 the resolution, what do you mean?  
 135:14 A. It would go through a commission meeting.  
 135:15 A. resolution to authorize the application.

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

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135:16 Q. Okay. So in order for a county officer to  
 135:17 apply for a grant, the County Commission has to adopt  
 135:18 a resolution approving that?  
 135:19 A. They have to authorize the application.

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89      **135:20-136:17**      Thompson, Beth 2020-07-23      00:01:09    01:01:49    01:23:43    Thompson\_B-07232    MV181.89

135:20 Q. Okay. Does the County Commission have the  
 135:21 ability to itself pursue grants?  
 135:22 A. Yes.  
 135:23 Q. Has it ever done that? And my first  
 135:24 question is general: Has the County Commission ever  
 136:1 pursued a grant for anything?  
 136:2 A. Yes.  
 136:3 Q. What's an example of that?  
 136:4 A. The Commission itself pursues grants for  
 136:5 the courthouse facilities improvements. That's the  
 136:6 main one that comes to mind at the moment.  
 136:7 Q. Has the Commission ever pursued a grant to  
 136:8 abate the opioid problem?  
 136:9 A. Not that I'm aware of.  
 136:10 Q. Has the Commission ever been aware of  
 136:11 grants that might be available to it to abate the  
 136:12 opioid problem?  
 136:13 A. No.  
 136:14 Q. Has the Commission ever taken action to  
 136:15 identify grants that might be available to abate the  
 136:16 opioid problem?  
 136:17 A. Not that I'm aware of.

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90      **137:4-137:7**      Thompson, Beth 2020-07-23      00:00:09    01:02:58    01:22:34    Thompson\_B-07232    MV181.90

137:4 Q. Okay. Has the Commission made a decision  
 137:5 not to pursue grants that might abate the opioid  
 137:6 problem?  
 137:7 A. No.

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91      **137:8-137:10**      Thompson, Beth 2020-07-23      00:00:07    01:03:07    01:22:25    Thompson\_B-07232    MV181.91

137:8 Q. Has the Commission ever discussed pursuing  
 137:9 grants to abate the opioid problem?  
 137:10 A. No.

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92      **139:4-139:20**      Thompson, Beth 2020-07-23      00:00:58    01:03:14    01:22:18    Thompson\_B-07232    MV181.92

139:4 Q. Since 2015, setting aside any executive

■ Defense Affirmatives    ■ Plaintiff Completeness Counts    ■ Defense Counter Counts    ■ Plaintiff Counts

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139:5 session with council, has the Cabell County  
 139:6 Commission discussed the opioid problem in a county  
 139:7 commission meeting?  
 139:8 A. Yes.  
 139:9 Q. When?  
 139:10 A. It would have been prior to the lawsuit.  
 139:11 Q. What was the nature of the discussion?  
 139:12 A. Meeting with attorneys -- or having  
 139:13 attorneys speak at the commission meeting.  
 139:14 Q. Okay. So at some point prior to the  
 139:15 lawsuit, the County Commission discussed having  
 139:16 attorneys speak at a commission meeting?  
 139:17 A. Correct.  
 139:18 Q. And was the intended purpose of that  
 139:19 discussion to discuss this lawsuit?  
 139:20 A. Yes.

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93	<b>139:21 -140:2</b>	Thompson, Beth 2020-07-23	00:00:21	01:04:12	01:21:20	Thompson_B-07232	MV181.93
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139:21 Q. Other than discussion of this lawsuit, has  
 139:22 the Commission ever discussed the opioid problem at a  
 139:23 county commission meeting?  
 139:24 A. I think you would have to go back and look  
 140:1 through all of our minutes to make sure, but I don't  
 140:2 know of any.

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94	<b>143:4 -143:13</b>	Thompson, Beth 2020-07-23	00:00:26	01:04:33	01:20:59	Thompson_B-07232	MV181.94
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143:4 Q. Correct. Does the County Commission know  
 143:5 of any specific incident of opioid diversion that is  
 143:6 connected to any of the defendants in this case?  
 143:7 A. Well, that's why the Commission has hired  
 143:8 the attorneys and the experts to --  
 143:9 MR. FARRELL: So the answer is?  
 143:10 THE DEPONENT: No. The County  
 143:11 Commission has hired the attorneys and the experts.  
 143:12 Q. And we'll go through --  
 143:13 A. -- to determine this.

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95	<b>143:14 -144:24</b>	Thompson, Beth 2020-07-23	00:02:04	01:04:59	01:20:33	Thompson_B-07232	MV181.95
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143:14 Q. Sorry. We'll go through some of the other  
 143:15 terms in this topic. Does the Commission know of any  
 143:16 specific incidents of opioid abuse that's connected  
 143:17 to any of the defendants in this case?

■ Defense Affirmatives
 ■ Plaintiff Completeness Counte
 ■ Defense Counter Counters
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

143:18 A. No.

143:19 Q. Does the Commission know of any specific

143:20 incident of opioid addiction that is connected to any

143:21 of the defendants in this case?

143:22 A. I mean, it would be "no" on all of these,

143:23 other than what we see in the news. And we have

143:24 hired the attorneys and the experts to determine all

144:1 of this for us.

144:2 Q. And understanding that, just to make sure I

144:3 have a clear record, I still need to ask about the

144:4 last one, which is whether you know of any specific

144:5 incident of opioid overdose that is connected to any

144:6 of the defendants in this case?

144:7 A. No.

144:8 Q. Setting aside the activity in this lawsuit,

144:9 has the county taken any steps to identify any

144:10 specific incident in any of those categories that's

144:11 connected to any of the defendants in this case?

144:12 A. No. I mean, it's not a function of county

144:13 commission government.

144:14 Q. Let's go on to 12, which pertains to

144:15 suspicious orders. Does the Commission have an

144:16 understanding as to what the term "suspicious order"

144:17 means as it pertains to controlled substances?

144:18 A. Again, this is not -- No. This is not a

144:19 function of county commission government. So we

144:20 wouldn't have no way of knowing.

144:21 Q. Just to make sure I've got your answer

144:22 clear on the record, the answer was "no"?

144:23 A. Correct, with my follow-up that it's not a

144:24 function of county commission government.

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96	<b>145:1 -145:14</b>	Thompson, Beth 2020-07-23	00:00:31	01:07:03	01:18:29	Thompson_B-07232	MV181.96
		145:1 Q. Does the county know				(Edited)	
		145:2 of any order of prescription opioids placed in Cabell					
		145:3 County that the Commission would regard as					
		145:4 suspicious?					
		145:5 A. We believe we were asking you all for all					
		145:6 of that information, so.					
		145:7 MR. FARRELL: So the answer is?					
		145:8 THE DEPONENT: No.					
		145:9 Q. When you say you believe "we're asking you					

■ Defense Affirmatives
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 ■ Defense Counter Counts
 ■ Plaintiff Counters

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145:10 all for all of that information," you mean the  
 145:11 defendants in this case or --  
 145:12 A. Yes.  
 145:13 Q. -- third parties?  
 145:14 A. The defendants.

---

97      **145:15-145:18**      Thompson, Beth 2020-07-23      00:00:15    01:07:34    01:17:58    Thompson\_B-07232    MV181.97

145:15 Q. Other than any activity in this litigation,  
 145:16 has the county taken any steps to try to identify any  
 145:17 suspicious order of prescription opioids?  
 145:18 A. No.

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98      **145:19-146:2**      Thompson, Beth 2020-07-23      00:00:33    01:07:49    01:17:43    Thompson\_B-07232    MV181.98

145:19 Q. Let's see. Thirteen is: "All actors and  
 145:20 acts that caused any harm that you suffered from  
 145:21 prescription opioids or illicit opioids for which you  
 145:22 are seeking remedies in this lawsuit."  
 145:23                So I will ask, in response to Topic No. 13:  
 145:24 What actors does the Commission believe caused the  
 146:1 harms for which it is seeking remedies in this  
 146:2 lawsuit?

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99      **146:9-147:18**      Thompson, Beth 2020-07-23      00:02:23    01:08:22    01:17:10    Thompson\_B-07232    MV181.99

146:9                MR. RUBY: Ms. Thompson?  
 146:10 A. All actors that caused the harm?  
 146:11 Q. And that means companies, people,  
 146:12 government agencies, anybody who caused any of the  
 146:13 harm for which the Commission --  
 146:14 A. And the defendants?  
 146:15 Q. Well, the defendants are companies. And so  
 146:16 if you -- if the defendants are on your list, then  
 146:17 that's fine. But my question is --  
 146:18 A. The defendants are definitely. They're the  
 146:19 top of our list.  
 146:20 Q. What other actors does the Commission  
 146:21 believe caused those harms?  
 146:22 A. You know, this is -- again, it's something  
 146:23 that we have done what we can do as a county  
 146:24 commission government, and we have filed this lawsuit  
 147:1 to determine all the actors, and that's what we're  
 147:2 working toward here, is to get this information and  
 147:3 the -- we've hired the attorneys and the experts

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

147:4 and -- to help us determine who it all is.  
 147:5 Q. Does the Commission agree that  
 147:6 pharmaceutical manufacturers are among the actors who  
 147:7 caused the harms we're discussing?  
 147:8 A. Yes.  
 147:9 Q. Does the Commission believe that national  
 147:10 pharmacy chains are among those actors?  
 147:11 A. Yes. The Commission believes that there  
 147:12 are numerous people, numerous companies, numerous --  
 147:13 it's all encompassing. And the big problem is though  
 147:14 that you all are the ones that should have known how  
 147:15 much you were dumping in here and how many pills you  
 147:16 were dumping in here, and you did nothing about it.  
 147:17 We're just here to try to clean up the mess you  
 147:18 caused. So ...

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100      **149:9-151:1**      Thompson, Beth 2020-07-23      00:02:21    01:10:45    01:14:47    Thompson\_B-07232    MV181.100

149:9                    MR. RUBY: We're still on actors.  
 149:10                    As the witness has testified, there  
 149:11 are lots of people to blame.  
 149:12 A. Yes. And that's why we've hired attorneys  
 149:13 and experts to determine all of this for us. The  
 149:14 only thing that county commission government can do  
 149:15 is file this lawsuit.  
 149:16                    And you brought up the grants and things  
 149:17 while ago. To expect the county to apply for grants  
 149:18 and things that we have to match or spend money -- I  
 149:19 know my previous deposition, which I know I am not  
 149:20 here on that, but the attorney had mentioned imposing  
 149:21 a new tax or levy on our taxpayers. You know, to  
 149:22 even suggest that we do something in addition to what  
 149:23 we've already spent out to cost taxpayers more for  
 149:24 this problem that you all have caused, it's just --  
 150:1 it's horrible.  
 150:2                    It's horrible that you all would expect us  
 150:3 to do anything else except what we've done. We had  
 150:4 no other recourse but to file this lawsuit to try to  
 150:5 fix this problem that you've created. And, yeah,  
 150:6 there are multiple people to blame, but you all  
 150:7 should have known and did know the numbers that you  
 150:8 were dumping into our community, hundreds of  
 150:9 thousands. And you did nothing to stop it or slow it

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150:10 down.  
 150:11 And the whole time, we're just sitting here  
 150:12 watching this unfold, and watching the crime  
 150:13 increase, and watching people die from overdoses, and  
 150:14 watching babies be born addicted to substances. And,  
 150:15 you know, and to think that we're supposed to sit  
 150:16 here and say that we're embarrassed that we didn't do  
 150:17 more, how did we know? How did we know what all you  
 150:18 all were doing to us? We didn't know. We were just  
 150:19 watching it all unfold and not knowing what to do  
 150:20 about it and how to combat it.  
 150:21 And now this is the only thing we can do.  
 150:22 And to suggest that we should do something more, as  
 150:23 far as grants or -- that wouldn't even scratch the  
 150:24 surface. It's just -- It really makes me mad. And  
 151:1 it makes the Commission mad too.

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101      **151:16-152:15**      Thompson, Beth 2020-07-23      00:01:00    01:13:06    01:12:26    Thompson\_B-07232    MV181.101

151:16 Q. Is it inappropriate in some way for the  
 151:17 City of Huntington to have obtained grants to abate  
 151:18 the opioid problem?  
 151:19 A. Absolutely not. No. I'm glad they had the  
 151:20 ability to do that. Their rules are much different  
 151:21 than county commission government. Municipalities  
 151:22 are different. They're different municipalities.  
 151:23 They are a municipality. We are a county commission  
 151:24 government. Different roles, different functions,  
 152:1 different funding. It's all completely different.  
 152:2 They have home rule. We don't have that.  
 152:3 You know, it's just -- it's two completely  
 152:4 different animals you're talking about. And I'm glad  
 152:5 they have that ability.  
 152:6 Q. Does the county not have the ability? Does  
 152:7 the County Commission not have the ability to obtain  
 152:8 grants?  
 152:9 A. It does, but we don't know of any that were  
 152:10 out there, and we shouldn't be asked to be spending  
 152:11 more money on grants and matching things that I don't  
 152:12 even know if they're there, that would even fight to  
 152:13 scratch the surface of this problem. That's what I'm  
 152:14 saying, and that's what the County Commission is  
 152:15 saying.

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters


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102	<b>152:20 -153:5</b>	Thompson, Beth 2020-07-23	00:00:33	01:14:06	01:11:26	Thompson_B-07232	MV181.102
	152:20	Q. Let me go back to the DEA question. Is the					
	152:21	Commission aware of whether the Drug Enforcement					
	152:22	Administration sets quotas for the amount of opioids					
	152:23	that can be manufactured in the U.S.?					
	152:24	A. Yes, I believe it does -- or we believe it					
	153:1	does, yes.					
	153:2	Q. Is the DEA also then a contributor to the					
	153:3	harms that the Commission identified in its					
	153:4	Complaint?					
	153:5	A. If it neglected its responsibilities, yes.					
103	<b>166:13 -166:20</b>	Thompson, Beth 2020-07-28	00:00:34	01:14:39	01:10:53	Thompson_B-07282	MV181.103
	166:13	This is Media Unit 1 of the continuing					
	166:14	30(b)(6) deposition of Beth Thompson for Cabell					
	166:15	County Commission, taken by counsel for the Defendant					
	166:16	in the matter of City of Huntington and Cabell County					
	166:17	Commission vs. AmerisourceBergen Drug Corporation, et					
	166:18	al, filed in United States District Court for the					
	166:19	Southern District of West Virginia, being Civil					
	166:20	Action Nos. 3:17-01362 and 3:17-01665.					
104	<b>168:8 -168:18</b>	Thompson, Beth 2020-07-28	00:00:23	01:15:13	01:10:19	Thompson_B-07282	MV181.104
	168:8	You understand that you are still under					
	168:9	oath and that this is a continuation of the					
	168:10	deposition that we started last Thursday?					
	168:11	A. Yes.					
	168:12	Q. And this is the Rule 30(b)(6) Deposition of					
	168:13	the Cabell County Commission. And so the testimony					
	168:14	that you give today, like the testimony that you gave					
	168:15	on Thursday, is testimony that is on behalf of the					
	168:16	Commission, rather than on behalf of you personally.					
	168:17	Do you understand that?					
	168:18	A. Yes.					
105	<b>168:19 -169:9</b>	Thompson, Beth 2020-07-28	00:00:50	01:15:36	01:09:56	Thompson_B-07282	MV181.105
	168:19	Q. All right. I wanted to do -- to begin with					
	168:20	a little bit of cleanup of the testimony on Thursday,					
	168:21	and when I say "cleanup," I mean cleanup of a					
	168:22	question -- or a couple of questions where I was less					
	168:23	precise than I should have been.					

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters



**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

168:24 I asked about the Commission's knowledge of  
 169:1 practitioners who inappropriately wrote or filled  
 169:2 prescriptions. Do you recall that?  
 169:3 A. Yes.  
 169:4 Q. And Mr. Farrell made the point, with which  
 169:5 I agreed, that I was not asking about -- asking you  
 169:6 to prematurely reveal information that's going to be  
 169:7 included in the county's expert reports, and that  
 169:8 remains the case.  
 169:9 A. Okay.

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106	<b>169:10 -170:10</b>	Thompson, Beth 2020-07-28	00:01:03	01:16:26	01:09:06	Thompson_B-07282	MV181.106
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169:10 Q. What I wanted to clarify is that -- and the  
 169:11 reason I'm making this clarification, is that  
 169:12 Mr. Farrell and I had a discussion about historical  
 169:13 knowledge of the Commission, and the clarification  
 169:14 that I wanted to make is that if the Commission, even  
 169:15 today, has knowledge outside of the work of its  
 169:16 experts or the work of its attorneys about doctors or  
 169:17 pharmacies that have inappropriately written or  
 169:18 filled prescriptions, then you would still be  
 169:19 required to testify about that.  
 169:20 Do you understand the distinction that I am  
 169:21 making?  
 169:22 A. Yes.  
 169:23 Q. In other words, historical doesn't mean  
 169:24 necessarily a long time ago, but if the Commission  
 170:1 has knowledge today, even knowledge that it's  
 170:2 acquired since the beginning of this litigation about  
 170:3 doctors who have inappropriately filled  
 170:4 prescriptions, that would be fair game for this  
 170:5 deposition.  
 170:6 And so my question is whether that  
 170:7 understanding changes the answer -- the answer that  
 170:8 you gave about the Commission's knowledge of  
 170:9 physicians who inappropriately filled prescriptions.  
 170:10 A. No.

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107	<b>170:19 -170:23</b>	Thompson, Beth 2020-07-28	00:00:35	01:17:29	01:08:03	Thompson_B-07282	MV181.107
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170:19 Q. Exhibit 16 is a document that begins with  
 170:20 Bates No. CCCOMM 0003832. And ends at Bates No.  
 170:21 CCCOMM0003834, and it is an email dated April 3rd,



Defense Affirmatives



Plaintiff Completeness Counts



Defense Counter Counts



Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

170:22 2018, from kvance@cabellcountyclerk.org to Beth

170:23 Thompson, with an attachment.

108	<b>170:24-171:11</b>	Thompson, Beth 2020-07-28	00:00:32	01:18:04	01:07:28	Thompson_B-07282	MV181.108
	170:24	A. Okay.					
	171:1	Q. Do you recognize this document,					
	171:2	Ms. Thompson?					
	171:3	A. I do.					
	171:4	Q. What is this?					
	171:5	A. This is an email from Kimberly Vance, who					
	171:6	worked -- or she still works in the county clerk's					
	171:7	office, to me, with a copy of a resolution attached					
	171:8	to it, resolution dated January 26th, 2017, "In the					
	171:9	Matter of Declaring the Distribution of Pain					
	171:10	Medications a Public Nuisance and Retain the Firm					
	171:11	Green Ketchum to Seek Civil Remedy."					
109	<b>171:12-171:18</b>	Thompson, Beth 2020-07-28	00:00:15	01:18:36	01:06:56	Thompson_B-07282	MV181.109
	171:12	Q. And what's the date of the resolution					
	171:13	that's attached to this document -- attached to this					
	171:14	email?					
	171:15	A. January 26, 2017.					
	171:16	Q. The email itself is dated April 3rd,					
	171:17	2018; is that right?					
	171:18	A. Yes.					
110	<b>171:24-172:14</b>	Thompson, Beth 2020-07-28	00:00:47	01:18:51	01:06:41	Thompson_B-07282	MV181.110
	171:24	Q. Do you recognize the resolution that's					
	172:1	attached to the email?					
	172:2	A. Yes.					
	172:3	Q. What is this resolution?					
	172:4	A. It's titled: "In the Matter Declaring the					
	172:5	Distribution of Pain Medications a Public Nuisance					
	172:6	and Retain the Firm of Green Ketchum to Seek Civil					
	172:7	Remedy."					
	172:8	Q. And what was the reason that the Commission					
	172:9	adopted this resolution?					
	172:10	A. The reason was the devastation that had					
	172:11	been occurring in our community for years. And the					
	172:12	way that we could try to address it was to declare a					
	172:13	public nuisance to the public health and safety of					
	172:14	our county.					

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**


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111	<b>172:15 -172:23</b>	Thompson, Beth 2020-07-28	00:00:28	01:19:38	01:05:54	Thompson_B-07282	MV181.111
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172:15 Q. You testified last week -- and correct me  
 172:16 if I'm wrong -- that the County Commission became  
 172:17 aware of a serious opioid problem in Cabell County  
 172:18 around 2006; is that right?  
 172:19 A. I believe that's -- yes, that's what it is.  
 172:20 Q. Why did the Commission wait 11 years to  
 172:21 enact or to adopt this resolution?  
 172:22 A. Well, it didn't know it needed to act  
 172:23 quicker.

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112	<b>173:4 -174:12</b>	Thompson, Beth 2020-07-28	00:01:47	01:20:06	01:05:26	Thompson_B-07282	MV181.112
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173:4 Q. Why then, with knowledge of the opioid  
 173:5 problem that existed, did the county not know that it  
 173:6 needed to act quicker in this regard?  
 173:7 A. Because the defendants were the ones that  
 173:8 were aware of the amount of pills they were  
 173:9 distributing into our county. We had no way of  
 173:10 knowing that. We were just watching the devastation  
 173:11 occur.  
 173:12 Q. And so it is the position of the Commission  
 173:13 that it didn't know until -- Let me back up. I don't  
 173:14 want to put words in your mouth. Did the Commission  
 173:15 know prior to 2017 that the opioid problem was a  
 173:16 public nuisance?  
 173:17 A. Yes, I mean, it would -- yes.  
 173:18 Q. When did the Commission determine that the  
 173:19 opioid problem in Cabell County was a public  
 173:20 nuisance?  
 173:21 A. Well, it declared it was a resolution dated  
 173:22 January 26, 2017.  
 173:23 Q. Right. And I see the resolution. I see  
 173:24 the acts that the county took. But I thought you  
 174:1 indicated that the county knew prior to 2017 that the  
 174:2 opioid problem was, in fact, a public nuisance. Did  
 174:3 I misunderstand that?  
 174:4 A. It knew that there was a problem, yes.  
 174:5 Q. Did the Commission know then prior to the  
 174:6 enactment of this resolution that the opioid problem  
 174:7 was a public nuisance?  
 174:8 A. No.

 Defense Affirmatives

 Plaintiff Completeness Counte

 Defense Counter Counters

 Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

174:9 Q. How did the Commission determine that the  
 174:10 opioid problem in Cabell County was a public  
 174:11 nuisance?  
 174:12 A. We talked with our counsel and determined.

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113      **174:16-175:12**      Thompson, Beth 2020-07-28      00:01:28    01:21:53    01:03:39    Thompson\_B-07282    MV181.113

174:16 Q. Did the Commission know prior to 2017 that  
 174:17 the opioid problem was a hazard to public health?  
 174:18 A. The Commission knew -- no. The Commission  
 174:19 knew that it was facing a crisis and a dilemma and  
 174:20 devastation to its community, is what the Commission  
 174:21 knew, based upon multiple, multiple crimes, and  
 174:22 addiction, and news articles, and stories about our  
 174:23 community. So the Commission knew, and based on all  
 174:24 of that.  
 175:1 Q. I'm trying to understand the distinction  
 175:2 between those things. You said the Commission knew  
 175:3 it was facing a crisis and a dilemma and devastation  
 175:4 to its community. Did the Commission understand  
 175:5 prior to 2017 that those things were a hazard to  
 175:6 public health?  
 175:7 A. It did understand, yes, that there was a  
 175:8 problem -- a hazard to public health. What it didn't  
 175:9 know was the greed behind what was going on with the  
 175:10 defendants pumping the millions of pills into our  
 175:11 community. And we had no way of finding that out  
 175:12 until we talked with our counsel.

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114      **175:14-175:22**      Thompson, Beth 2020-07-28      00:00:34    01:23:21    01:02:11    Thompson\_B-07282    MV181.114

175:14                    When did the Commission first understand  
 175:15 then that the opioid problem was a hazard to public  
 175:16 health?  
 175:17 A. It would have been -- It's hard to say  
 175:18 exactly when. I mean, it's been a problem for years.  
 175:19 But what we're talking about in this case is, you  
 175:20 know, the time period that we're allowed to talk  
 175:21 about, 2006 on. Because the problem is still there.  
 175:22 You still haven't fixed it. We're trying to.

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115      **176:15-177:11**      Thompson, Beth 2020-07-28      00:01:05    01:23:55    01:01:37    Thompson\_B-07282    MV181.115

176:15 Q. Do you see the first paragraph of  
 176:16 Exhibit 16, the attachment, the resolution that

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**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

176:17 begins "In addition to all other powers"?

176:18 A. Yes.

176:19 Q. That says: "In addition to all other

176:20 powers and duties now conferred by law upon county

176:21 commissions, the Cabell County Commission is

176:22 authorized to enact ordinances, issue orders, and

176:23 take other appropriate and necessary actions for the

176:24 elimination of hazards to public health and safety

177:1 and to abate or cause to be abated anything which the

177:2 Commission determines to be a public nuisance. W.Va.

177:3 Code Section 7-1-3kk, 2002."

177:4 Did I read that correctly?

177:5 A. Yes.

177:6 Q. We've talked about hazards to public

177:7 health. Let's talk about hazards to safety. Did the

177:8 Commission understand in 2006 when it recognized the

177:9 existence of the opioid problem in Cabell County that

177:10 that problem was a hazard to safety?

177:11 A. Yes, I believe it would have.

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116	<b>177:19-178:2</b>	Thompson, Beth 2020-07-28	00:00:22	01:25:00	01:00:32	Thompson_B-07282	MV181.116
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177:19 Q. Did the Commission, when it understood in

177:20 2006 that the opioid problem was a hazard to public

177:21 health and safety, consider adopting a resolution

177:22 similar to this?

177:23 A. I don't believe it did.

177:24 Q. Did it consider adopting a resolution

178:1 similar to this at any point prior to the resolution

178:2 being suggested by counsel?

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117	<b>178:4-178:11</b>	Thompson, Beth 2020-07-28	00:00:30	01:25:22	01:00:10	Thompson_B-07282	MV181.117
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178:4 A. Not that we're aware of.

178:5 Q. Is this document that is attached to the

178:6 email in Exhibit 16, is this a resolution or an

178:7 ordinance?

178:8 A. It is a resolution.

178:9 Q. Has the Commission enacted any ordinance

178:10 that addresses the opioid problem in Cabell County?

178:11 A. It has not.

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118	<b>178:12-178:18</b>	Thompson, Beth 2020-07-28	00:00:22	01:25:52	00:59:40	Thompson_B-07282	MV181.118
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178:12 Q. Why has the Commission not adopted or



Defense Affirmatives



Plaintiff Completeness Counts



Defense Counter Counts



Plaintiff Counts

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178:13 enacted an ordinance to address the opioid problem in  
 178:14 Cabell County?  
 178:15 A. It's not aware that it's allowed to have an  
 178:16 ordinance that would be effective. The functions of  
 178:17 county commission government don't operate in a way  
 178:18 that an ordinance would be effective.

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119	<b>179:16-180:18</b>	Thompson, Beth 2020-07-28	00:01:38	01:26:14	00:59:18	Thompson_B-07282	MV181.119
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179:16 Q. Is the Commission's position that it lacks  
 179:17 the ability to enforce ordinances?  
 179:18 A. It's the position that there is not a good  
 179:19 court structure like in the municipalities to make  
 179:20 ordinances effective.  
 179:21 Q. What is the difference in the court  
 179:22 structure between the county and the municipality  
 179:23 that prevents the county from making ordinances  
 179:24 effective?  
 180:1 A. The municipalities have a judge and the --  
 180:2 can arrest them right there and bring them in front  
 180:3 of the judge and sentence them and fine them. We  
 180:4 don't have that ability.  
 180:5 Q. Is there a circuit court in Cabell County?  
 180:6 A. There is, but it's not that we can --  
 180:7 That's not how our ordinances work. If someone would  
 180:8 violate our noise ordinance, they are -- they would  
 180:9 be brought in before the Commission at a commission  
 180:10 meeting and that kind of thing. It's not the same  
 180:11 structure.  
 180:12 Q. And so is it the position of the Commission  
 180:13 that it lacks the authority to create criminal  
 180:14 penalties for violation of ordinances?  
 180:15 A. Yes.  
 180:16 Q. Including ordinances that are enacted under  
 180:17 the section of State Code that is quoted here?  
 180:18 A. Yes.

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120	<b>183:5-183:23</b>	Thompson, Beth 2020-07-28	00:01:02	01:27:52	00:57:40	Thompson_B-07282	MV181.120
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183:5 Q. Since the Commission adopted this  
 183:6 resolution declaring the opioid problem to be a  
 183:7 public nuisance, has it done anything to abate that  
 183:8 nuisance besides filing this lawsuit?  
 183:9 A. No.



Defense Affirmatives



Plaintiff Completeness Counters



Defense Counter Counters



Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

183:10 Q. Why not?

183:11 A. It's doing the only thing it knows that it

183:12 can do to correct the situation that you've caused.

183:13 Q. Do you see that the Code section that the

183:14 Commission cited in this resolution authorizes other

183:15 appropriate and necessary actions for the elimination

183:16 of hazards to public health and safety?

183:17 A. Yes.

183:18 Q. Does the Commission agree then that this

183:19 Code section authorizes it to take appropriate and

183:20 necessary actions other than filing a lawsuit to

183:21 eliminate hazards to public health and safety?

183:22 A. It does, but it believes it's doing what it

183:23 can by filing the lawsuit.

121	<b>183:24 -184:3</b>	Thompson, Beth 2020-07-28	00:00:09	01:28:54	00:56:38	Thompson_B-07282	MV181.121
	183:24	Q. What other actions has the Commission					
	184:1	considered taking to abate the opioid public nuisance					
	184:2	in Cabell County besides filing this lawsuit?					
	184:3	A. None.					
122	<b>184:4 -184:19</b>	Thompson, Beth 2020-07-28	00:00:42	01:29:03	00:56:29	Thompson_B-07282	MV181.122
	184:4	Q. Let's talk about another subject of your					
	184:5	testimony last week, Ms. Thompson. Do you recall					
	184:6	your testimony that the Distributor Defendants in					
	184:7	this case are the main cause of the opioid problem in					
	184:8	Cabell County?					
	184:9	A. Yes.					
	184:10	Q. Do you recall your testimony that the					
	184:11	Distributor Defendants in this case are similarly the					
	184:12	greatest cause of the opioid problem here in Cabell					
	184:13	County?					
	184:14	A. Yes.					
	184:15	Q. Do you recall your testimony that the					
	184:16	Distributor Defendants in this case are at the,					
	184:17	quote, "top of our list of causes of the opioid					
	184:18	problem"?					
	184:19	A. Yes.					
123	<b>184:20 -184:20</b>	Thompson, Beth 2020-07-28	00:00:04	01:29:45	00:55:47	Thompson_B-07282	MV181.123
	184:20	Q. Could you open Exhibit 43, please.					

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

126	<b>186:6 -188:10</b>	Thompson, Beth 2020-07-28	00:02:27	01:31:35	00:53:57	Thompson_B-07282	MV181.126
	186:6	Q.			Do	(Edited)	
	186:7	you see paragraph 313 at the bottom of page 75?					
	186:8	A. Yes.					

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186:9 Q. That paragraph says: "This drug crisis  
 186:10 began with a corporate business plan. It started  
 186:11 with a decision by Purdue and the Sackler defendants,  
 186:12 collectively Purdue entities, to promote opioids  
 186:13 deceptively and illegally in order to significantly  
 186:14 increase sales and generate billions of dollars in  
 186:15 revenue for Purdue's private owners, the Sackler  
 186:16 family." Did I read that correctly?  
 186:17 A. You did.  
 186:18 Q. Does the Commission agree with that  
 186:19 statement?  
 186:20 A. Yes.  
 186:21 Q. Is there any part of that that the  
 186:22 Commission disagrees with?  
 186:23 A. No.  
 186:24 Q. And so it is the position of the Commission  
 187:1 that the drug crisis that is the subject of this  
 187:2 litigation was started by Purdue and the Sackler  
 187:3 Defendants?  
 187:4 A. Yes.  
 187:5 Q. Is it also the position of the Commission  
 187:6 that the Distributor Defendants in this case did not  
 187:7 start the drug crisis?  
 187:8 A. Yes.  
 187:9 Q. Let me go on to paragraph 314. It says:  
 187:10 "Purdue's strategies were quickly joined by  
 187:11 other manufacturers, including Endo Health Solutions,  
 187:12 Inc.; Endo Pharmaceuticals, Inc.; Par Pharmaceutical,  
 187:13 Inc.; Par Pharmaceutical Companies, Inc., formally  
 187:14 known as Par Pharmaceutical Holdings, Inc.; Janssen  
 187:15 Pharmaceuticals, Inc.; Ortho-McNeil-Janssen  
 187:16 Pharmaceuticals, Inc., now known as Janssen  
 187:17 Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc.,  
 187:18 now known as Janssen Pharmaceuticals, Inc.; Johnson &  
 187:19 Johnson; Noramco, Inc.; Teva Pharmaceutical  
 187:20 Industries, Limited; Teva Pharmaceuticals USA, Inc.;  
 187:21 Cephalon, Inc; Mallinckrodt, PLC; Mallinckrodt LLC;  
 187:22 SpecGx LLC; Amneal; and KVK Tech, collectively the  
 187:23 Marketing Defendants."  
 187:24 Did I read that correctly?  
 188:1 A. Yes.

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

188:2 Q. Does the Commission agree with that  
 188:3 statement?  
 188:4 A. Yes.  
 188:5 Q. Is there any part of that statement that  
 188:6 the Commission disagrees with?  
 188:7 A. No.  
 188:8 Q. Are any of the three Distributor Defendants  
 188:9 in this case mentioned in paragraph 314?  
 188:10 A. No.

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127	<b>189:3 -190:11</b>	Thompson, Beth 2020-07-28	00:01:22	01:34:02	00:51:30	Thompson_B-07282	MV181.127
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189:3 Q. In the next paragraph, Ms. Thompson,  
 189:4 paragraph 315, do you see the last sentence that  
 189:5 begins with "The Marketing Defendants"?  
 189:6 A. Yes.  
 189:7 Q. It says: "The Marketing Defendants used  
 189:8 misrepresentations regarding the risks and benefits  
 189:9 of opioids to enable the widespread prescribing of  
 189:10 opioids for common chronic pain conditions like low  
 189:11 back pain, arthritis and headaches."  
 189:12 Does the Commission agree with that  
 189:13 statement?  
 189:14 A. Yes.  
 189:15 Q. Any part of that that the Commission  
 189:16 disagrees with?  
 189:17 A. No.  
 189:18 Q. And the three Distributor Defendants in  
 189:19 this case are not included in the defined term "the  
 189:20 Marketing Defendants" that's used in that sentence,  
 189:21 are they?  
 189:22 A. Correct.  
 189:23 Q. If you go over to paragraph 319 on the next  
 189:24 page, 77, do you see the third sentence which begins  
 190:1 with "Marketing Defendants"?  
 190:2 A. Yes.  
 190:3 Q. It says: "Marketing Defendants' deceptive  
 190:4 marketing caused prescribing not only of their  
 190:5 opioids, but of opioids as a class, to skyrocket."  
 190:6 Does the Commission agree with that  
 190:7 statement?  
 190:8 A. Yes.  
 190:9 Q. And is there any mention in that sentence

Defense Affirmatives
  Plaintiff Completeness Counts
  Defense Counter Counts
  Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

190:10 of the three Distributor Defendants in this case?

190:11 A. No.

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128	<b>190:12-191:7</b>	Thompson, Beth 2020-07-28	00:00:48 01:35:24 00:50:08	Thompson_B-07282	MV181.128
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190:12 Q. If you would turn to page 87, Ms. Thompson.

190:13 A. Okay.

190:14 Q. Do you see paragraph 351 there?

190:15 A. Yes.

190:16 Q. It says -- or it begins: "Armed with this

190:17 and other misrepresentations about the risks and

190:18 benefits of its new drug, Purdue was able to open an

190:19 enormous untapped market. Patients with

190:20 non-end-of-life, non-acute, everyday aches and

190:21 pains."

190:22 Did I read that correctly?

190:23 A. Yes.

190:24 Q. Does the Commission agree that it was

191:1 Purdue that opened the enormous untapped market

191:2 that's mentioned in that sentence?

191:3 A. Yes.

191:4 Q. And nowhere in that sentence are any of the

191:5 three Distributor Defendants in this case mentioned,

191:6 are they?

191:7 A. No.

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129	<b>191:8-193:5</b>	Thompson, Beth 2020-07-28	00:02:35 01:36:12 00:49:20	Thompson_B-07282	MV181.129
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191:8 Q. And we'll look at just a couple more

191:9 passages from the Complaint, Ms. Thompson. On

191:10 page 90, paragraph 359.

191:11 A. Okay.

191:12 Q. That begins: "Purdue created a market for

191:13 the use of opioids for a range of common aches and

191:14 pains by misrepresenting the risks and benefits of

191:15 its opioids, but it was far from alone. The other

191:16 Marketing Defendants -- already manufacturers of

191:17 prescription opioids -- positioned themselves to take

191:18 advantage of the opportunity Purdue created,

191:19 developing both branded and generic opioids to

191:20 compete with OxyContin, while together with Purdue

191:21 and each other, misrepresenting the safety and

191:22 efficacy of their products."

191:23 Does the Commission agree with that

■ Defense Affirmatives

■ Plaintiff Completeness Counts

■ Defense Counter Counts

■ Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

191:24 statement?

192:1 A. Yes.

192:2 Q. Is there any part of that that the

192:3 Commission disagrees with?

192:4 A. No.

192:5 Q. Is there any mention in that passage of the

192:6 three Distributor Defendants in this case?

192:7 A. No.

192:8 Q. This Complaint also named as defendants

192:9 companies that include Rite Aid of West Virginia,

192:10 Walgreens Boots Alliance, CVS Pharmacy, Inc., and it

192:11 refers to National Pharmacy Defendants.

192:12 Are you familiar with that term as it's

192:13 used in the Complaint, National Pharmacy Defendants?

192:14 A. Yes.

192:15 Q. Does the County Commission believe that the

192:16 National Pharmacy Defendants also engaged in

192:17 wrongdoing that caused the opioid problem here?

192:18 A. Yes.

192:19 Q. And what did they do wrong?

192:20 A. The Commission doesn't have the rights to

192:21 those records.

192:22 Q. Does the Commission believe generally that

192:23 the National Pharmacy Defendants inappropriately

192:24 distributed pharmaceuticals? Distributed

193:1 prescription opioids?

193:2 A. Yes.

193:3 Q. If you turn -- and this is a ways back in

193:4 here, but there is a defined term that I want you to

193:5 take a look at. If you turn to page 338.

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130	<b>193:6-194:13</b>	Thompson, Beth 2020-07-28	00:01:19	01:38:47	00:46:45	Thompson_B-07282	MV181.130
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193:6 A. Okay.

193:7 Q. Paragraph 1135 says: "Pharmacy Benefit

193:8 Managers, PBM, are companies that administer

193:9 prescription drug plans for entities that include

193:10 insurers, self-insured employers, and state and

193:11 federal government agencies. Collectively these

193:12 entities are referred to as planned sponsors."

193:13 Is the Commission aware of what pharmacy

193:14 benefit managers are?

193:15 A. Other than what's listed in the Complaint.

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

193:16 None other than what's listed in the  
 193:17 Complaint.  
 193:18 Q. In paragraph 1137, it says: "Upon  
 193:19 information and belief, PBM Defendants colluded with  
 193:20 manufacturers who offer financial incentives, such as  
 193:21 rebates and administrative fees, in exchange for  
 193:22 benefit plan design, formulary placement, and drug  
 193:23 utilization management that would result in more  
 193:24 opioids entering the marketplace."  
 194:1 Does the Commission agree with that  
 194:2 statement?  
 194:3 A. Yes.  
 194:4 Q. Is there any part of that that it doesn't  
 194:5 agree with?  
 194:6 A. No.  
 194:7 Q. And the collusion that the Commission  
 194:8 alleges in that paragraph is between PBM Defendants  
 194:9 and manufacturers; is that correct?  
 194:10 A. It is.  
 194:11 Q. Is there any mention in that paragraph of  
 194:12 the Distributor Defendants in this case?  
 194:13 A. No.

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131	<b>200:13 -200:24</b>	Thompson, Beth 2020-07-28	00:00:24	01:40:06	00:45:26	Thompson_B-07282	MV181.131
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200:13 Q. Did the County Commission approve the  
 200:14 filing of the Complaint that's shown here in  
 200:15 Exhibit 43?  
 200:16 A. Yes.  
 200:17 Q. Did each of the commissioners agree to do  
 200:18 that?  
 200:19 A. It takes a quorum. So if it passed, it was  
 200:20 at least two of them.  
 200:21 Q. There was a vote at the County Commission  
 200:22 that approved the filing of the Third Amended  
 200:23 Complaint?  
 200:24 A. I believe so, yes.

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132	<b>201:1 -201:19</b>	Thompson, Beth 2020-07-28	00:01:18	01:40:30	00:45:02	Thompson_B-07282	MV181.132
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201:1 Q. Let's turn to abatement. In Exhibit 16 --  
 201:2 and you don't need to get it back out unless you want  
 201:3 to, but the Commission and the resolution that was in  
 201:4 Exhibit 16 used the term "abate" in reference to the

■ Defense Affirmatives    
 ■ Plaintiff Completeness Counts    
 ■ Defense Counter Counts    
 ■ Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

201:5 opioid public nuisance. Do you recall that?  
 201:6 A. Yes.  
 201:7 Q. What does the Commission understand the  
 201:8 term "abate" or the term "abatement" to mean in the  
 201:9 context of the opioid problem?  
 201:10 A. To stop and correct an action.  
 201:11 Q. I'm sorry?  
 201:12 A. Just to stop and correct a situation or  
 201:13 action.  
 201:14 Q. What does the Commission believe needs to  
 201:15 be done to abate the opioid problem in Cabell County?  
 201:16 A. It's ongoing. It's to be determined.  
 201:17 There's so much that's been done by this community,  
 201:18 and it's just an ongoing thing. It's still going on.  
 201:19 It's not been stopped yet, so.

---

133      **202:9-203:24**      Thompson, Beth 2020-07-28      00:02:04    01:41:48    00:43:44    Thompson\_B-07282    MV181.133

202:9                    In the remedy we're seeking in this  
 202:10 lawsuit, what do we allege that the defendants should  
 202:11 pay for to abate the epidemic?  
 202:12                    MR. RUBY: Go ahead.  
 202:13 A. Pay for the problem it caused. The  
 202:14 destruction it caused in this county.  
 202:15                    MR. FARRELL: And how are you going to  
 202:16 determine that?  
 202:17                    THE DEPONENT: By the experts in this  
 202:18 case.  
 202:19 BY MR. RUBY:  
 202:20 Q. You mentioned the Resiliency Plan, and  
 202:21 we'll turn to that in more detail in a bit. Does the  
 202:22 County believe that all of the proposals in the  
 202:23 Resiliency Plan are needed to abate the opioid  
 202:24 problem here?  
 203:1 A. It believes that they're all needed and  
 203:2 much more, yes.  
 203:3 Q. Are there actions beyond those proposed in  
 203:4 the Resiliency Plan that the Commission believes are  
 203:5 needed to abate the opioid problem?  
 203:6 A. We've hired the experts to determine that.  
 203:7 Q. And I'm not asking you what your experts  
 203:8 think. I'm asking about the knowledge of the County  
 203:9 Commission or the position of the County Commission

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

203:10 as you sit here right now. Other than -- again,  
 203:11 we'll turn to the Resiliency Plan in some detail  
 203:12 later, but setting aside the Resiliency Plan, is  
 203:13 there any other action that the Commission, as you  
 203:14 sit here right now, believes is needed to abate the  
 203:15 opioid problem in Cabell County?  
 203:16 A. We filed the lawsuit, and we hired the  
 203:17 experts to try to determine that very thing.  
 203:18 Q. And so is the answer that -- is the answer  
 203:19 "no," that setting aside whatever the experts may  
 203:20 conclude, the Commission doesn't know of any other  
 203:21 actions that need to be taken?  
 203:22 A. No. I gave my answer. We've filed a  
 203:23 lawsuit, and we've hired the experts to try to  
 203:24 determine what all will fix this.

---

134      **204:14 -204:19**      Thompson, Beth 2020-07-28      00:00:17    01:43:52    00:41:40    Thompson\_B-07282    MV181.134

204:14 Q. Does the Commission have a top priority in  
 204:15 mind, understanding that the full plan might not be  
 204:16 in place yet, does the Commission have a top priority  
 204:17 what it would do with the money you got in this case?  
 204:18 A. The Commission will just try to correct the  
 204:19 wrongs that you've created in this county.

---

135      **264:17 -264:18**      Thompson, Beth 2020-07-28      00:00:12    01:44:09    00:41:23    Thompson\_B-07282    MV181.135

264:17 I'm going to ask you to look at  
 264:18 Exhibit 44. (Edited)

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136      **264:19 -265:6**      Thompson, Beth 2020-07-28      00:00:38    01:44:21    00:41:11    Thompson\_B-07282    MV181.136

264:19 A. Okay.  
 264:20 Q. Do you recognize the document that's here  
 264:21 in Exhibit 44?  
 264:22 A. I see what it is. JAG Grant 2019 through  
 264:23 2020.  
 264:24 Q. And are you familiar with the JAG Grant?  
 265:1 A. Yes. Somewhat.  
 265:2 Q. What's the JAG Grant?  
 265:3 A. It's a grant that the sheriff's department  
 265:4 applies for every year.  
 265:5 Q. What's the purpose of the grant?  
 265:6 A. I believe it's on the drug task force.

---

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

137      **266:15 -267:10**      Thompson, Beth 2020-07-28      00:00:45   01:44:59   00:40:33   Thompson\_B-07282   MV181.137

266:15    Q.   Is this the application for the JAG Grant  
 266:16      for fiscal year 2019?  
 266:17    A.   It is.  
 266:18    Q.   On the next page, 2901, you see the -- this  
 266:19      is a summary sheet of information about the grant.  
 266:20    A.   At the very top this says: "West Virginia Justice  
 266:21      Assistance Grant Program Application." Do you see  
 266:22      that?  
 266:23    A.   Yes.  
 266:24    Q.   And under that is the applicant agency?  
 267:1      A.   Yes.  
 267:2    Q.   What's the applicant agency?  
 267:3    A.   Cabell County Commission.  
 267:4    Q.   And then under that is the project  
 267:5      director; is that right?  
 267:6    A.   Yes.  
 267:7    Q.   Who is that?  
 267:8    A.   The sheriff.  
 267:9    Q.   Sheriff of Cabell County?  
 267:10    A.   Yes.

---

138      **267:11 -268:6**      Thompson, Beth 2020-07-28      00:00:49   01:45:44   00:39:48   Thompson\_B-07282   MV181.138

267:11    Q.   If you look right about the middle of the  
 267:12      page, there's a line that says, "Number of years  
 267:13      previously funded." Do you see that? Little below  
 267:14      the middle.  
 267:15    A.   Yes.  
 267:16    Q.   And then next to that it says "Estimated  
 267:17      number to be served." Do you see that?  
 267:18    A.   Yes.  
 267:19    Q.   What's the estimated number of people to be  
 267:20      served by this grant?  
 267:21    A.   It says 251,426.  
 267:22    Q.   And under that is a listing of the  
 267:23      geographic area to be served. Do you see that?  
 267:24    A.   Yes.  
 268:1    Q.   What's that geographic area?  
 268:2    A.   Cabell, Lincoln, Mason, Putnam, Wayne.  
 268:3    Q.   And then under that, the total population  
 268:4      figure, which is the same 251,426, that you read  
 268:5      earlier; is that right?

 Defense Affirmatives     Plaintiff Completeness Counters     Defense Counter Counters     Plaintiff Counters



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268:6 A. Yes.

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139      **268:21 -269:20**      Thompson, Beth 2020-07-28      00:00:41    01:46:33    00:38:59    Thompson\_B-07282    MV181.139

268:21 Q. Do you see there's a signature at the

268:22 bottom of this application cover page?

268:23 A. Yes.

268:24 Q. Whose signature is that?

269:1 A. Commissioner Cartmill's.

269:2 Q. Do you recognize that as Commissioner

269:3 Cartmill's signature?

269:4 A. Yes.

269:5 Q. Above the signature box, do you see the

269:6 certification?

269:7 A. Yes.

269:8 Q. It's in the small print there?

269:9 A. Yes.

269:10 Q. Says: "Certification. To the best of my

269:11 knowledge, the information contained in this

269:12 application is true and correct. The submission

269:13 thereof has been duly authorized by the governing

269:14 body and the applicant will comply with the attached

269:15 special conditions and assurances, if funding is

269:16 provided."

269:17 Do you see that?

269:18 A. Yes.

269:19 Q. Did I read that correctly?

269:20 A. You did.

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140      **269:21 -270:11**      Thompson, Beth 2020-07-28      00:00:47    01:47:14    00:38:18    Thompson\_B-07282    MV181.140

269:21 Q. Let me ask you just generally: What

269:22 exactly is the Cabell County Drug Task Force?

269:23 A. I'm unsure.

269:24 Q. There's also a reference here on the cover

270:1 page for the application to the crime reduction

270:2 program. Do you see that?

270:3 A. Yes.

270:4 Q. What's the crime reduction program?


270:5 A. I'm unsure.

270:6 Q. Do you have any idea at all what the Cabell

270:7 County Drug Task Force is?

270:8 A. I believe it's an organization within the

270:9 sheriff's department that is tasked with fighting the

 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counts

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270:10 drug and the crime reduction -- or with the crime

270:11 reduction program.

141 270:22-272:20 Thompson, Beth 2020-07-28 00:01:51 01:48:01 00:37:31 Thompson\_B-07282 MV181.141

270:22 Q. If you turn to just a few pages over, to

270:23 the page Bates numbered 2905.

270:24 A. Okay.

271:1 Q. And you see there is a page here that

271:2 says -- near the top -- well, it says at the top,

271:3 "West Virginia Justice Assistance Grant Program

271:4 Application, Project Narrative"?

271:5 A. Yes.

271:6 Q. And then it -- a little below that, says:

271:7 "Problem Statement." Do you see that?

271:8 A. Yes.

271:9 Q. I'm going to walk through some of the

271:10 statements that are made in this "Problem Statement"

271:11 that the County submitted to the State of West

271:12 Virginia. It begins:

271:13 "For many years there has been a strong

271:14 market for illegal drugs in the tri-state area."

271:15 Do you see that?

271:16 A. Yes.

271:17 Q. Does the Commission agree with that

271:18 statement?

271:19 A. Yes.

271:20 Q. And it says "illegal drugs," plural; is

271:21 that right?

271:22 A. Yes.

271:23 Q. The Commission agrees that there has been a

271:24 strong market in the tri-state area for many

272:1 different kinds of illegal drugs; is that right?

272:2 A. Yes.

272:3 Q. The next sentence says: "There are

272:4 numerous customers to whom drug dealers are able to

272:5 distribute a variety of illegal substances and

272:6 diverted pharmaceutical drugs."

272:7 Does the Commission agree with that

272:8 statement?

272:9 A. Yes.

272:10 Q. It goes on to say: "The Huntington,

272:11 West Virginia, area is a well-known drug distribution

Defense Affirmatives

Plaintiff Completeness Count

Defense Counter Counters

Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

272:12 hub for the region which has resulted in a  
 272:13 deterioration of the area with increased slum and  
 272:14 blighting conditions." Do you see that?  
 272:15 A. I do.  
 272:16 Q. Does the Commission agree that  
 272:17 Huntington -- the Huntington area is a well-known  
 272:18 drug distribution hub for the region?  
 272:19 A. The Commission would agree with everything  
 272:20 in here, yes.

---

142      **274:23 -278:11**      Thompson, Beth 2020-07-28      00:04:01   01:49:52   00:35:40   Thompson\_B-07282   MV181.142

274:23 Q. But what I would also ask -- ask you to do,  
 274:24 on any of these statements -- and I can either ask it  
 275:1 for each one -- I'll just ask it for each one, as to  
 275:2 whether there's been a change in the Commission's  
 275:3 knowledge or its position regarding any of these  
 275:4 statements, okay?  
 275:5                So since this application was submitted in  
 275:6 2019 -- July of 2019, has the position of the  
 275:7 Commission changed with respect to any of the  
 275:8 statements that we've discussed so far?  
 275:9 A. Not that I know of.  
 275:10 Q. The next sentence says: "Much of the," and  
 275:11 there's a couple of acronyms there, "CCDTF/CRP." I  
 275:12 believe that means Cabell County Drug Task  
 275:13 Force/Crime Reduction Program. Do you agree with  
 275:14 that?  
 275:15 A. Yes.  
 275:16 Q. "Much of the CCDTF/CRP's area of  
 275:17 responsibility has seen a significant increase in the  
 275:18 illegal use and distribution of heroin and fentanyl,  
 275:19 along with Mexican methamphetamine."  
 275:20                Does the Commission agree with that?  
 275:21 A. Yes.  
 275:22 Q. Any part of that the Commission disagrees  
 275:23 with?  
 275:24 A. No.  
 276:1 Q. And then it also says: "Distribution of  
 276:2 cocaine, cocaine base, marijuana, and other illegal  
 276:3 narcotics seems consistent."  
 276:4                Does the Commission agree with that?  
 276:5 A. Yes.

 Defense Affirmatives       Plaintiff Completeness Counte       Defense Counter Counters       Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

276:6 Q. Any part of that that the Commission  
276:7 disagrees with?  
276:8 A. No.  
276:9 Q. Any change in the Commission's position on  
276:10 those statements between the submission of this  
276:11 application in July of 2019 and the present?  
276:12 A. Not that I'm aware of.  
276:13 Q. And then it goes on to say: "Heroin,  
276:14 fentanyl, and Mexican methamphetamine are the most  
276:15 pressing drug problems in the CCDTF/CRP's area."  
276:16 Does the Commission agree with that  
276:17 statement?  
276:18 A. Yes.  
276:19 Q. And is it the position of the Commission  
276:20 that this statement remains true?  
276:21 A. Yes.  
276:22 Q. It is accurate, then, is it not, to say  
276:23 that there are many drugs that contribute to the  
276:24 illegal drug problem in Cabell County?  
277:1 A. That's accurate.  
277:2 Q. If you look at the next paragraph,  
277:3 Ms. Thompson, the last sentence says: "In addition,  
277:4 the reduction of heroin market has led to an influx  
277:5 of Mexican methamphetamine."  
277:6 Did I read that correctly?  
277:7 A. You did.  
277:8 Q. Does the Commission agree with that?  
277:9 A. Yes.  
277:10 Q. Does the Commission agree that Mexican  
277:11 methamphetamine is a significant drug problem in  
277:12 Cabell County?  
277:13 A. Yes. You have to understand, this is a  
277:14 grant prepared by the sheriff's office. So, you  
277:15 know, they have all the data and knowledge on this.  
277:16 That the Commission wants them to be able to get  
277:17 access to any grant monies available, so it's going  
277:18 to agree with what they're saying, yes.  
277:19 Q. The Commission did sign this, correct?  
277:20 A. Yes.  
277:21 Q. And the Commission did certify that the  
277:22 statements made in this document are true?

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

277:23 A. Yes. That's what I'm saying.  
 277:24 Q. You're not -- you don't mean to suggest  
 278:1 that the Commission believes these statements are  
 278:2 untrue, do you?  
 278:3 A. No. No.  
 278:4 Q. The -- Make sure I got an answer to that.  
 278:5 Just to make sure we're clear on the  
 278:6 record. I appreciate --  
 278:7 A. These statements are true, yes.  
 278:8 Q. And in particular, the Commission agrees  
 278:9 that Mexican methamphetamine is a significant drug  
 278:10 problem in Cabell County; is that right?  
 278:11 A. Yes.

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143      **278:12-278:14**      Thompson, Beth 2020-07-28      00:00:11      01:53:53      00:31:39      Thompson\_B-07282      MV181.143

278:12 Q. How has the reduction of the heroin market  
 278:13 led to an influx of Mexican methamphetamine into  
 278:14 Cabell County?

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144      **278:16-278:17**      Thompson, Beth 2020-07-28      00:00:03      01:54:04      00:31:28      Thompson\_B-07282      MV181.144

278:16 A. We don't know. You would have to talk to  
 278:17 the sheriff's department.

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145      **279:11-280:3**      Thompson, Beth 2020-07-28      00:00:34      01:54:07      00:31:25      Thompson\_B-07282      MV181.145

279:11 Q. The next sentence says: "The financial  
 279:12 reward of distributing heroin or methamphetamine in  
 279:13 Huntington is extremely appealing to drug  
 279:14 traffickers, as these drugs may sell for up to five  
 279:15 times the value in Huntington as it does in a larger  
 279:16 city, such as Detroit, Michigan."  
 279:17 Did I read that correctly?  
 279:18 A. You did.  
 279:19 Q. Does the Commission agree with that  
 279:20 statement?  
 279:21 A. Yes.  
 279:22 Q. Is there any part of that that the  
 279:23 Commission disagrees with?  
 279:24 A. No.  
 280:1 Q. And is it the position of the Commission  
 280:2 that this statement remains true today?  
 280:3 A. Yes.

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 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counter Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

146      **281:24 -283:9**      Thompson, Beth 2020-07-28      00:01:16   01:54:41   00:30:51   Thompson\_B-07282   MV181.146

281:24    Q.   The next sentence says: "Huntington also  
282:1       offers traffickers less violence and less competition  
282:2       than they experience in Detroit where street gangs  
282:3       battle for territory and a greater share of the drug  
282:4       market."  
282:5               Does the Commission agree with that  
282:6       statement?  
282:7       A.   Yes.  
282:8       Q.   Does it agree that that statement remains  
282:9       true today?  
282:10      A.   Yes.  
282:11      Q.   The next sentence says: "Exacerbating the  
282:12      heroin epidemic is the presence of fentanyl and  
282:13      carfentanil, powerful synthetic opioids that have  
282:14      been associated with numerous overdoses in the  
282:15      region. Fentanyl is an opioid analgesic that is 500  
282:16      to 100 times more powerful than morphine.  
282:17      Carfentanil, an animal tranquilizer and analog of  
282:18      fentanyl, is as many as 10,000 times more powerful  
282:19      than morphine. Exposure to a few grains of  
282:20      carfentanil can cause a fatal overdose. Many drug  
282:21      traffickers are adding fentanyl and carfentanil to  
282:22      heroin in order to produce a larger quantity of drugs  
282:23      to sell."  
282:24               Does the Commission agree with that  
283:1       statement?  
283:2       A.   Yes.  
283:3       Q.   Does it agree that that statement remains  
283:4       true today?  
283:5       A.   Yes.  
283:6       Q.   Does the Commission agree that fentanyl and  
283:7       carfentanil are significant causes of the drug  
283:8       problem in Cabell County?  
283:9       A.   Yes.

147      **283:10 -283:24**      Thompson, Beth 2020-07-28      00:00:37   01:55:57   00:29:35   Thompson\_B-07282   MV181.147

283:10    Q.   The county's application here -- or excuse  
283:11       me, the Commission's application here goes on to say:  
283:12               "Fentanyl is also being sold in the region  
283:13       in pure form, with little or no presence of heroin.  
283:14       Liquid fentanyl, intended for apparent medicinal

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

283:15 purposes for use in hospitals, has been seized in  
 283:16 search locations. Numerous recent drug overdoses in  
 283:17 the region have been due to the presence of fentanyl  
 283:18 and carfentanil and heroin."  
 283:19 Does the Commission agree with that  
 283:20 statement?  
 283:21 A. Yes.  
 283:22 Q. And does the Commission agree that that  
 283:23 statement is true today?  
 283:24 A. Yes.

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148      **284:1 -284:20**      Thompson, Beth 2020-07-28      00:00:51    01:56:34    00:28:58    Thompson\_B-07282    MV181.148

284:1    Q. Let's go on to the next sentence --  
 284:2            Actually we'll go to the -- just ask the  
 284:3 question. Does the Commission agree that  
 284:4 methamphetamine use is on the rise in Cabell County?  
 284:5 A. I'm sorry. Are you on another --  
 284:6 Q. Yeah. Does the Commission agree that  
 284:7 methamphetamine use is on the rise in Cabell County?  
 284:8 A. Oh. Yes.  
 284:9 Q. And that remains true today?  
 284:10 A. Yes.  
 284:11 Q. And if you go on to the next paragraph,  
 284:12 says: "Cocaine, cocaine base, commonly known as  
 284:13 crack, and marijuana continue to be widely  
 284:14 distributed in the region."  
 284:15            Do you see that?  
 284:16 A. Yes.  
 284:17 Q. Does the Commission agree with that  
 284:18 statement?  
 284:19 A. Yes.  
 284:20 Q. And does that statement remain true today?

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149      **284:22 -285:11**      Thompson, Beth 2020-07-28      00:00:38    01:57:25    00:28:07    Thompson\_B-07282    MV181.149

284:22 A. Yes. I mean, I would assume. I don't know  
 284:23 if it's changed or not.  
 284:24 Q. Does the Commission have any reason to  
 285:1 believe that that statement is no longer true today?  
 285:2 A. No.  
 285:3 Q. If you continue on to the third sentence in  
 285:4 this paragraph, the Commission's application says:  
 285:5 "Detroit continues to be a major source and

 Defense Affirmatives     Plaintiff Completeness Counters     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

285:6 city of illegally-controlled substances for the area  
 285:7 covered by the CCDTF/CRP." Do you see that?  
 285:8 A. Yes.  
 285:9 Q. Does the Commission agree with that  
 285:10 statement?  
 285:11 A. Yes.

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150	<b>289:12-289:21</b>	Thompson, Beth 2020-07-28	00:00:21	01:58:03	00:27:29	Thompson_B-07282	MV181.150
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289:12 Q. If you go on, the sentence following -- two  
 289:13 sentences down, it says: "Many of the law  
 289:14 enforcement agencies in the CCDTF/CRP's area are  
 289:15 small, with few resources and limited manpower to  
 289:16 address the overwhelming illegal drug problem."  
 289:17 Do you see that?  
 289:18 A. Yes.  
 289:19 Q. Does the Commission agree with that  
 289:20 statement?  
 289:21 A. Yes.

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151	<b>290:2-290:13</b>	Thompson, Beth 2020-07-28	00:01:04	01:58:24	00:27:08	Thompson_B-07282	MV181.151
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290:2 Q. There's another piece of this,  
 290:3 Ms. Thompson, that I wanted to talk about. I can't  
 290:4 seem to put my hands on it right now, so let me just  
 290:5 ask. Is it the position of the commission that the  
 290:6 Distributor Defendants in this case are responsible  
 290:7 for the rise of methamphetamine in Cabell County?  
 290:8 A. Indirectly. I mean, the Commission  
 290:9 believes that -- it's their position that the  
 290:10 Defendants had a duty to report any kind of  
 290:11 suspicious orders that were coming to them from this  
 290:12 area, and if they had done that, then maybe we  
 290:13 wouldn't be in this mess.

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152	<b>290:14-291:3</b>	Thompson, Beth 2020-07-28	00:00:34	01:59:28	00:26:04	Thompson_B-07282	MV181.152
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290:14 Q. Does the Commission believe that the  
 290:15 Distributor Defendants in this case distributed  
 290:16 methamphetamine?  
 290:17 A. No.  
 290:18 Q. Does the Commission believe that the  
 290:19 Distributor Defendants in this case are responsible  
 290:20 for the distribution of cocaine in Cabell County?  
 290:21 A. No.



Defense Affirmatives



Plaintiff Completeness Counters



Defense Counter Counters



Plaintiff Counters



**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

290:22 Q. What about crack cocaine?  
 290:23 A. No.  
 290:24 Q. But the Commission does believe that the  
 291:1 Distributor Defendants in this case are responsible  
 291:2 for the distribution of methamphetamine?  
 291:3 A. No.

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153	<b>302:20 -305:16</b>	Thompson, Beth 2020-07-28	00:03:06 02:00:02 00:25:30	Thompson_B-07282	MV181.153
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302:20 Q. Let's talk a little bit more about  
 302:21 something we discussed earlier, which is Cabell  
 302:22 County's position in the larger region.  
 302:23 Is it correct to say that Cabell County is  
 302:24 a commercial hub for the surrounding region?  
 303:1 A. I would think so.  
 303:2 Q. Do people come from other counties to shop  
 303:3 in Cabell County?  
 303:4 A. Yes.  
 303:5 Q. Do people come to Cabell County in  
 303:6 particular for medical treatment?  
 303:7 A. Yes.  
 303:8 Q. And I can pull out the exhibit -- or I'll  
 303:9 just represent to you that on the County Commission's  
 303:10 website it says that Cabell County is home to two  
 303:11 regional hospitals. Do you agree with that  
 303:12 statement?  
 303:13 A. Yes.  
 303:14 Q. Those would be Cabell Huntington and  
 303:15 St. Mary's?  
 303:16 A. Yes.  
 303:17 Q. And on that -- on the website where the  
 303:18 Commission says that Cabell County is home to two  
 303:19 regional hospitals, it means, I take it, that those  
 303:20 hospitals serve patients from not only Cabell County,  
 303:21 but also the surrounding counties; is that right?  
 303:22 A. Yes.  
 303:23 Q. Are prescription opioids dispensed at those  
 303:24 hospitals?  
 304:1 A. Yes.  
 304:2 Q. Has that been the case since at least 2006?  
 304:3 A. I would assume so, yes.  
 304:4 Q. And some of those prescription opioids are  
 304:5 dispensed to people who don't reside in Cabell

Defense Affirmatives
  Plaintiff Completeness Counts
  Defense Counter Counts
  Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

304:6 County; is that correct?

304:7 A. Yes.

304:8 Q. Has the Commission ever attempted to

304:9 determine what portion of the prescription opioids

304:10 dispensed at Cabell County hospitals are to people

304:11 who don't reside in Cabell County?

304:12 A. No.

304:13 Q. Is the Commission aware of anybody that has

304:14 ever attempted to determine that?

304:15 A. We're unaware.

304:16 Q. So we've talked about hospitals. Let's

304:17 touch on doctors for just a minute. Do people come

304:18 from the surrounding counties to go to the doctor in

304:19 Cabell County?

304:20 A. Yes.

304:21 Q. And are there people from outside Cabell

304:22 County who come to work in Cabell County?

304:23 A. Yes.

304:24 Q. Is that a relatively large number of

305:1 people?

305:2 A. I'm unsure.

305:3 Q. Are there people -- and again, setting

305:4 aside the hospitals, are there people who don't

305:5 reside in Cabell County, but fill prescriptions here

305:6 because they come here for work, or to shop, that

305:7 sort of thing?

305:8 A. We would think so. Yes.

305:9 Q. Has the Commission ever tried to determine

305:10 what portion of the opioid prescriptions that are

305:11 filled at Cabell County pharmacies were for people

305:12 who don't reside in Cabell County?

305:13 A. No.

305:14 Q. Does the Commission know of anybody else

305:15 who has ever attempted to determine that?

305:16 A. It's unaware of anybody.

---

154      **307:13 -307:19**      Thompson, Beth 2020-07-28      00:00:19    02:03:08    00:22:24    Thompson\_B-07282    MV181.154

307:13 Q. Has the county's jail bill decreased in

307:14 recent years?

307:15 A. Yes, it has.

307:16 Q. Why is that?

307:17 A. The biggest change is the home confinement

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

307:18 sentencing that the judges have -- and magistrates  
 307:19 have done.

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155	<b>309:2-310:8</b>	Thompson, Beth 2020-07-28	00:01:35	02:03:27	00:22:05	Thompson_B-07282	MV181.155
						(Edited)	

309:2 Q. What has the  
 309:3 county done with the money that was freed up as a  
 309:4 result of that change?  
 309:5 A. The county has created a rainy day fund,  
 309:6 first ever in its existence.  
 309:7 Q. How much money is in the rainy day fund?  
 309:8 A. 500,000.  
 309:9 Q. And that's a direct result of the savings  
 309:10 from the increased use of home confinement?  
 309:11 A. We believe it's a direct result of that,  
 309:12 combined with the insurance change.  
 309:13 Q. And when you say the insurance change, I  
 309:14 think I know what you're talking about, but could you  
 309:15 tell me what you mean?  
 309:16 A. From going from self-insured to fully  
 309:17 insured.  
 309:18 Q. Sorry. I didn't mean to cut you off.  
 309:19 A. Yes, going self-insured to fully insured.  
 309:20 Q. How much has that saved the county?  
 309:21 A. About 3 million a year.  
 309:22 Q. So overall, the county has -- between the  
 309:23 savings in the jail bill and the savings on health  
 309:24 insurance premiums, the county has managed to  
 310:1 decrease its expenses more than \$4 million a year; is  
 310:2 that right?  
 310:3 A. Yes.  
 310:4 Q. And when did that savings start to occur?  
 310:5 A. It would have been within the last year. I  
 310:6 think -- well, I know the insurance change was  
 310:7 August 1, 2019. The home confinement, I believe it's  
 310:8 been within the last year as well.

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156	<b>311:4-311:21</b>	Thompson, Beth 2020-07-28	00:00:50	02:05:02	00:20:30	Thompson_B-07282	MV181.156
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311:4 Q. Are there possible uses of that money that  
 311:5 the Commission is considering?  
 311:6 A. Well, part of it actually was to put the  
 311:7 budgets back that were cut several years ago for the  
 311:8 constitutional officeholders. So some of it has been

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

311:9 used, yes, I'm sorry.  
 311:10 Q. So that change has already been made --  
 311:11 A. Yes.  
 311:12 Q. -- in other words, the funding that was cut  
 311:13 in -- was that around 2015, 2016?  
 311:14 A. I believe so, '16, I think it was.  
 311:15 Q. So the funding that was cut around 2016 for  
 311:16 the various county constitutional offices has now  
 311:17 been restored; is that right?  
 311:18 A. Yes. It was, I believe, September of '19  
 311:19 it was restored.  
 311:20 Q. And how much money did it take to do that?  
 311:21 A. It was close to \$2 million.

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157      **312:8-312:16**      Thompson, Beth 2020-07-28      00:00:24    02:05:52    00:19:40    Thompson\_B-07282    MV181.157

312:8 Q. Has the Commission allocated any of the  
 312:9 savings from the fall in the jail bill and the fall  
 312:10 in the health insurance premiums to help abate the  
 312:11 opioid problem that exists in Cabell County?  
 312:12 A. None yet.  
 312:13 Q. Does the Commission intend to use any of  
 312:14 those savings to help abate the opioid problem in  
 312:15 Cabell County?  
 312:16 A. It hasn't been discussed.

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158      **313:9-313:24**      Thompson, Beth 2020-07-28      00:00:34    02:06:16    00:19:16    Thompson\_B-07282    MV181.158

313:9 Q. All right. We were on Topic 13, which has  
 313:10 to do with actors and acts that have caused any harm  
 313:11 that the Commission has suffered from prescription  
 313:12 opioids or illicit opioids.  
 313:13 We had just talked about the Joint  
 313:14 Commission on the Accreditation of Healthcare  
 313:15 Organizations.  
 313:16 A. Yes.  
 313:17 Q. And I believe you testified that you  
 313:18 were -- the Commission was aware of the Joint  
 313:19 Commission; is that right?  
 313:20 A. Yes.  
 313:21 Q. And that it doesn't know whether the Joint  
 313:22 Commission is a cause of the harms that the County  
 313:23 has suffered; is that right?  
 313:24 A. Correct.

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

159	<b>314:4 -315:4</b>	Thompson, Beth 2020-07-28	00:00:54	02:06:50	00:18:42	Thompson_B-07282	MV181.159
	314:4	Q. Is the Commission familiar with the					
	314:5	American Medical Association?					
	314:6	A. Yes.					
	314:7	Q. Is the Commission aware that the American					
	314:8	Medical Association issues guidance to physicians in					
	314:9	America about topics, including the prescribing of					
	314:10	opioids?					
	314:11	A. Yes.					
	314:12	Q. Does the Commission believe that the					
	314:13	American Medical Association is among the causes of					
	314:14	the opioid problem that exists here?					
	314:15	A. Yes.					
	314:16	Q. Is the Commission familiar with the					
	314:17	American Osteopathic Association?					
	314:18	A. Yes.					
	314:19	Q. And is the Commission aware that the					
	314:20	American Osteopathic Association is a counterpart					
	314:21	organization to the American Medical Association, but					
	314:22	specifically for osteopathic physicians?					
	314:23	A. Yes.					
	314:24	Q. Does the Commission agree that the American					
	315:1	Osteopathic Association also bears some					
	315:2	responsibility for the opioid problem that exists					
	315:3	here?					
	315:4	A. Yes.					
160	<b>315:23 -317:23</b>	Thompson, Beth 2020-07-28	00:01:59	02:07:44	00:17:48	Thompson_B-07282	MV181.160
	315:23	Q. And does the Commission know that the					
	315:24	West Virginia Board of Medicine is responsible for					
	316:1	overseeing and licensing medical doctors who practice					
	316:2	in West Virginia?					
	316:3	A. Yes.					
	316:4	Q. Does the Commission understand that part of					
	316:5	that oversight role includes the oversight of or					
	316:6	monitoring of physicians for inappropriate					
	316:7	prescribing?					
	316:8	A. Yes.					
	316:9	Q. Does the Commission believe that the					
	316:10	West Virginia Board of Medicine also shares part of					
	316:11	the responsibility for the opioid problem here?					

 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

316:12 A. Yes.

316:13 Q. And is the Commission aware that there's a

316:14 counterpart or similar board called the West Virginia

316:15 Board of Osteopathic Medicine that regulates

316:16 osteopathic physicians?

316:17 A. Yes.

316:18 Q. Does the Commission believe that the Board

316:19 of Osteopathic Medicine also shares part of the

316:20 responsibility for the opioid problem that exists

316:21 here?

316:22 A. Yes.

316:23 Q. And we have talked some today and we also

316:24 talked on Thursday about drug distribution by

317:1 street-level drug dealers; is that right?

317:2 A. Yes.

317:3 Q. Does the Commission agree that street-level

317:4 drug dealers also share a part of the responsibility

317:5 for the opioid problem that exists in Cabell County?

317:6 A. Yes.

317:7 Q. What about foreign drug cartels?

317:8 A. Yes.

317:9 Q. Topic 14 concerns: "The investigation of

317:10 doctors, pharmacists, pharmacies, clinics, pill

317:11 mills, or hospitals in Cabell County for diversion of

317:12 prescription opioids or improper prescribing of

317:13 opioids."

317:14 We've talked about doctors, pharmacists and

317:15 pharmacies already. And I believe that you testified

317:16 that the Commission is aware of Dr. Anita Dawson as a

317:17 physician who inappropriately prescribed opioids in

317:18 Cabell County; is that right?

317:19 A. Yes.

317:20 Q. And I think there weren't any other

317:21 specific physicians of whom the County was aware who

317:22 prescribed opioids inappropriately?

317:23 A. Correct.

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161	<b>319:18-319:21</b>	Thompson, Beth 2020-07-28	00:00:11	02:09:43	00:15:49	Thompson_B-07282	MV181.161
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319:18 Q. Is the Commission aware of any

319:19 investigation of hospitals in Cabell County for the

319:20 diversion or improper prescribing of opioids?

319:21 A. No.

<span style="display: inline-block; width: 10px; height: 10px; background-color: blue; margin-right: 5px;"></span> Defense Affirmatives	<span style="display: inline-block; width: 10px; height: 10px; background-color: pink; margin-right: 5px;"></span> Plaintiff Completeness Counts	<span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> Defense Counter Counts	<span style="display: inline-block; width: 10px; height: 10px; background-color: purple; margin-right: 5px;"></span> Plaintiff Counts
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## Thompson B 20200723 &amp; 28 DA PC (&amp; Completeness) DCC COMBINED 7-23

162	322:3 -322:8	Thompson, Beth 2020-07-28	00:00:17	02:09:54	00:15:38	Thompson_B-07282	MV181.162
	322:3	Q. Meaning that the Commission believes that					
	322:4	people have been prosecuted for the diversion and					
	322:5	illegal sale of prescription opioids, but the					
	322:6	Commission is not, as you sit here right now, aware					
	322:7	of specific examples of that?					
	322:8	A. Correct.					
163	336:10 -336:20	Thompson, Beth 2020-07-28	00:00:28	02:10:11	00:15:21	Thompson_B-07282	MV181.163
	336:10	Q. I think you mentioned, as an example of an					
	336:11	expenditure that is partly -- in some part related to					
	336:12	the opioid problem, the county's expenditure on law					
	336:13	enforcement; is that right?					
	336:14	A. Yes.					
	336:15	Q. Are there other expenditures that the					
	336:16	County makes that are -- even if they're not					
	336:17	earmarked for the opioid problem, are in some part					
	336:18	related to the opioid problem?					
	336:19	A. You would think the prosecutor's budget,					
	336:20	jail bill, certainly other expenditures.					
164	336:21 -336:24	Thompson, Beth 2020-07-28	00:00:09	02:10:39	00:14:53	Thompson_B-07282	MV181.164
	336:21	Q. And am I correct that the County has not					
	336:22	tried to quantify how much of any of those					
	336:23	expenditures is related to the opioid problem?					
	336:24	A. Correct.					
165	337:12 -337:20	Thompson, Beth 2020-07-28	00:00:22	02:10:48	00:14:44	Thompson_B-07282	MV181.165
	337:12	Q. Does the Commission know of any					
	337:13	communications between the Commission and any member					
	337:14	of the Cabell County community regarding opioid					
	337:15	abuse?					
	337:16	A. No.					
	337:17	Q. And I believe you said that it's opioid --					
	337:18	the opioid problem has never been discussed in a					
	337:19	county commission meeting in open session?					
	337:20	A. Correct.					
166	346:8 -348:3	Thompson, Beth 2020-07-28	00:02:15	02:11:10	00:14:22	Thompson_B-07282	MV181.166
	346:8	Q. Topic No. 26: "Consideration by Plaintiff					
	346:9	of limiting the prescribing, distribution, or					

Defense Affirmatives

Plaintiff Completeness Counte

Defense Counter Counters

Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

346:10 dispensing of prescription opioids."  
346:11 What did you do to educate yourself to  
346:12 testify about Topic 26?  
346:13 A. Read through the discovery responses.  
346:14 Q. Has the Commission ever considered limiting  
346:15 the prescribing of prescription opioids?  
346:16 A. No.  
346:17 Q. Has it ever considered limiting the  
346:18 distribution of prescription opioids?  
346:19 A. No.  
346:20 Q. Has it ever considered limiting the  
346:21 dispensing of prescription opioids?  
346:22 A. No.  
346:23 Q. Topic 27: "The coverage of or  
346:24 reimbursement of prescription opioids on Plaintiff's  
347:1 behalf, including on behalf of Plaintiff's employees,  
347:2 their dependents, incarcerated persons, or pension  
347:3 beneficiaries and/or through an insurance program or  
347:4 pharmacy benefit program."  
347:5 What did you do to educate yourself to  
347:6 testify about Topic No. 27?  
347:7 A. Nothing other than reading through the  
347:8 discovery responses.  
347:9 Q. Am I correct that the County's health  
347:10 insurance program does cover prescription opioids for  
347:11 employees?  
347:12 A. Yes.  
347:13 Q. And also for their dependents?  
347:14 A. Yes.  
347:15 Q. Does the -- strike that. I believe you  
347:16 testified on Thursday that the County has never  
347:17 discussed with its health insurer the possibility of  
347:18 limiting payment for opioid prescriptions?  
347:19 A. No.  
347:20 Q. And when the County was self-insured, it  
347:21 never considered doing that on its own?  
347:22 A. No.  
347:23 Q. And the County has never considered taking  
347:24 steps through its health insurance to encourage  
348:1 alternatives to prescription opioids, like physical  
348:2 therapy, for example; is that right?



**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

348:3 A. Correct.

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167      **350:17 -351:18**      Thompson, Beth 2020-07-28      00:01:03    02:13:25    00:12:07    Thompson\_B-07282    MV181.167

350:17 Q. Topic 30 is your organizational structure.

350:18 So this -- Let's talk about this for a few minutes.

350:19 So the County Commission of Cabell County

350:20 is an elected body of three members that serves as

350:21 the County's fiscal agent and carries out certain

350:22 other functions; is that right?

350:23 A. Yes.

350:24 Q. What agencies are directly under the County

351:1 Commission?

351:2 A. It would be 911 and EMS.

351:3 Q. Any others?

351:4 A. No.

351:5 Q. Okay. How many employees does the County

351:6 Commission have roughly?

351:7 A. About 320.

351:8 Q. 320?

351:9 A. Yes.

351:10 Q. Not including the other constitutional

351:11 officers?

351:12 A. No, that is including.

351:13 Q. Okay.

351:14 A. They're considered co-employers.

351:15 Q. Everybody who works for the other

351:16 constitutional officers, the County Commission

351:17 considers its employee; is that right?

351:18 A. Yes.

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168      **352:16 -353:16**      Thompson, Beth 2020-07-28      00:01:39    02:14:28    00:11:04    Thompson\_B-07282    MV181.168

352:16 Q. And so other than the county

352:17 administrator's office, the 911 service, and EMS, are

352:18 there any other functional units that are directly

352:19 below the County Commission?

352:20 A. No.

352:21 Q. How many employees does EMS have?


352:22 A. About 150.

352:23 Q. And 911, I guess, is organizationally

352:24 different from EMS?

353:1 A. Yes.

353:2 Q. How many employees does 911 have?

 Defense Affirmatives

 Plaintiff Completeness Counts

 Defense Counter Counts

 Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

353:3 A. Thirty-four? Thirty-six?  
 353:4 Q. Okay. Do you know roughly what the  
 353:5 employee counts are in the other county  
 353:6 constitutional offices?  
 353:7 A. Let's see. Sheriff's department would be,  
 353:8 I think, 44 deputies and about 30 in the tax office  
 353:9 and in the administrative.  
 353:10 The circuit clerk's office, I think 24.  
 353:11 About the same in the county clerk's office.  
 353:12 Assessor's office about 20; prosecutor's  
 353:13 office about 20.  
 353:14 Q. Okay. And all of those people are, from a  
 353:15 legal standpoint, employed by the County Commission?  
 353:16 A. Yes.

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169	<b>366:8 -368:22</b>	Thompson, Beth 2020-07-28	00:03:28	02:16:07	00:09:25	Thompson_B-07282	MV181.169
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366:8 Q. Is the Commission familiar with the Quick  
 366:9 Response Team?  
 366:10 A. Yes.  
 366:11 Q. What is the Quick Response Team?  
 366:12 A. It's a team that's headed up by Connie  
 366:13 Priddy at EMS, and they provide immediate support to  
 366:14 overdose victims and -- as far as, you know,  
 366:15 treatment, addiction treatment, and things of that  
 366:16 nature, counseling. I think even pastoral services.  
 366:17 Q. Does the Commission help provide funding  
 366:18 for that program?  
 366:19 A. Not directly.  
 366:20 Q. Does it provide funding indirectly?  
 366:21 A. I'm unsure how it's funded.  
 366:22 Q. Is it funded through EMS?  
 366:23 A. I'm unsure how it's funded. If it is  
 366:24 funded through EMS, then it would be an indirect.  
 367:1 Q. Does the Commission believe that the Quick  
 367:2 Response Team program is effective?  
 367:3 A. Yes.  
 367:4 Q. Has the Commission ever taken steps to  
 367:5 measure the effectiveness of the Quick Response Team  
 367:6 program?  
 367:7 A. No.  
 367:8 Q. What's the basis then for the Commission's  
 367:9 belief that the QRT program is effective?

Defense Affirmatives
  Plaintiff Completeness Counts
  Defense Counter Counts
  Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

367:10 A. The EMS director and Connie Priddy both  
 367:11 have spoke about it from time to time.  
 367:12 Q. And what have Mr. Merry and Ms. Priddy told  
 367:13 the Commission about the effectiveness of the QRT  
 367:14 program?  
 367:15 A. Just that they're getting a lot of good  
 367:16 response. It does seem to be helping.  
 367:17 Q. Helping who?  
 367:18 A. The victims.  
 367:19 Q. And when you say "it's helping," do you  
 367:20 mean that the QRT program helps people with  
 367:21 addiction, helps them overcome their addiction, or  
 367:22 manage their addiction problem?  
 367:23 A. Gets the services to them quicker.  
 367:24 Q. And when you say "the services," that  
 368:1 includes addiction treatment services?  
 368:2 A. I believe so, yes.  
 368:3 Q. Does the County have sufficient capacity in  
 368:4 addiction treatment services?  
 368:5 A. Sufficient capacity?  
 368:6 Q. Enough capacity in the addiction treatment  
 368:7 programs that exist here to meet the demand?  
 368:8 A. We're unsure.  
 368:9 Q. Has the Commission taken any steps to  
 368:10 determine whether the addiction treatment capacity  
 368:11 that exists in Cabell County is sufficient?  
 368:12 A. No.  
 368:13 Q. The Harm Reduction Program we talked about  
 368:14 on Thursday. That's the needle exchange program; is  
 368:15 that right?  
 368:16 A. Yes.  
 368:17 Q. And the Commission is familiar with that  
 368:18 program, I take it?  
 368:19 A. Yes.  
 368:20 Q. Does the Commission believe that that  
 368:21 program is effective?  
 368:22 A. Yes.

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170      **371:12-372:12**      Thompson, Beth 2020-07-28      00:00:50    02:19:35    00:05:57    Thompson\_B-07282    MV181.170

371:12 Q. And WEAR, on the same line as the Drug  
 371:13 Court, does the Commission know what WEAR is?  
 371:14 A. No, I don't remember.

 Defense Affirmatives     Plaintiff Completeness Counte     Defense Counter Counters     Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

371:15 Q. PEP or CCSAPP. Does the Commission know  
 371:16 what that program is?  
 371:17 A. No.  
 371:18 Q. LEAD. Does the Commission -- L-E-A-D, all  
 371:19 caps -- does the Commission know what that program  
 371:20 is?  
 371:21 A. No.  
 371:22 Q. Project Hope for Women and Children. Does  
 371:23 the Commission know what that program is?  
 371:24 A. No.  
 372:1 Q. PROACT. Does the Commission know what  
 372:2 PROACT is?  
 372:3 A. No.  
 372:4 Q. Healthy Connections. Does the Commission  
 372:5 know what Healthy Connections is?  
 372:6 A. No.  
 372:7 Q. Peer Recovery. Does the Commission know  
 372:8 what that is?  
 372:9 A. No.  
 372:10 Q. And CORE. Does the Commission know what  
 372:11 CORE is?  
 372:12 A. No.

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171	<b>393:23-394:9</b>	Thompson, Beth 2020-07-28	00:00:32	02:20:25	00:05:07	Thompson_B-07282	MV181.171
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393:23 Q. Are you familiar with this document?  
 393:24 A. Yes.  
 394:1 Q. What is this?  
 394:2 A. It is an email from Commissioner Sobonya,  
 394:3 dated July 3rd, 2019, to myself and to Marie in my  
 394:4 office. The subject is Cabell County -- or County  
 394:5 Commission Language. And the attachment talks about  
 394:6 the PEP program.  
 394:7 Q. And is this language for a proposed County  
 394:8 Commission resolution?  
 394:9 A. Yes.

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172	<b>394:10-395:3</b>	Thompson, Beth 2020-07-28	00:00:47	02:20:57	00:04:35	Thompson_B-07282	MV181.172
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394:10 Q. Does this refresh your recollection as to  
 394:11 what the PEP program is?  
 394:12 A. Yes.  
 394:13 Q. And now that you've seen this document, can  
 394:14 you tell me what that program is?

■ Defense Affirmatives
 ■ Plaintiff Completeness Counts
 ■ Defense Counter Counts
 ■ Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

394:15 A. Yes. I believe it was the -- Angie  
 394:16 Saunders, we had talked about earlier, had spoke to  
 394:17 the Commission about it, and it's a program that the  
 394:18 United Way does. I think it had to do with backpacks  
 394:19 and -- let's see --  
 394:20 "Collaborative committee of community-based  
 394:21 organizations partnering together to address the drug  
 394:22 crisis in the community.  
 394:23 "Through its partnerships, subcommittees  
 394:24 and workgroups will provide technical assistance,  
 395:1 capacity building, community outreach, and education  
 395:2 and training for high-risk populations that need  
 395:3 higher levels of prevention;

173 **395:9 -396:4** Thompson, Beth 2020-07-28 00:00:43 02:21:44 00:03:48 Thompson\_B-07282 MV181.173

395:9 THE DEPONENT: "PEP has set as its  
 395:10 goal to increase access to prevention services for --  
 395:11 youth and families in five counties served by United  
 395:12 Way; and  
 395:13 "PEP will empower youth not only to  
 395:14 deal with drug crisis, but to effect positive change  
 395:15 in their neighborhoods; and  
 395:16 "We commend the PEP committee members  
 395:17 for their efforts in our community.  
 395:18 "Now, therefore, we, the Cabell County  
 395:19 Commission of Cabell County, West Virginia, recognize  
 395:20 that the Prevention Empowerment Partnership is the  
 395:21 preeminent drug prevention coalition for the City of  
 395:22 Huntington, West Virginia, and underscore the  
 395:23 importance of working together to prevent substance  
 395:24 misuse in our area."  
 396:1 BY MR. RUBY:  
 396:2 Q. Did the Commission adopt a resolution  
 396:3 regarding the PEP?  
 396:4 A. I believe it did, yes.

174 **401:18 -402:6** Thompson, Beth 2020-07-28 00:01:18 02:22:27 00:03:05 Thompson\_B-07282 MV181.174

401:18 Q. Let's turn to Exhibit 32.  
 401:19 A. Okay.  
 401:20 Q. Are you familiar with this document?  
 401:21 A. Yes.  
 401:22 Q. What is this document?



Defense Affirmatives



Plaintiff Completeness Counts



Defense Counter Counts



Plaintiff Counts

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

401:23 A. This is the request to the Cabell County  
 401:24 Commission for fiscal years 2018-2019 for CCEEMS'  
 402:1 Budget Fund 27.  
 402:2 Q. CCEMS is Cabell County Emergency Management  
 402:3 Services?  
 402:4 A. Emergency Medical Services.  
 402:5 Q. Emergency Medical Services?  
 402:6 A. Yes.

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175	<b>404:1 -404:18</b>	Thompson, Beth 2020-07-28	00:00:48	02:23:45	00:01:47	Thompson_B-07282	MV181.175
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404:1 Q. If you see the line there at the bottom of  
 404:2 this table called "Carryover 2017/2018" -- do you see  
 404:3 that?  
 404:4 A. Yes.  
 404:5 Q. And that shows \$2.5 million; am I correct?  
 404:6 A. Correct.  
 404:7 Q. What is the carryover from 2017 and 2018?  
 404:8 What are those funds?  
 404:9 A. What are they?  
 404:10 Q. Uh-huh. What are those funds?  
 404:11 A. It's the amount that wasn't spent during  
 404:12 the year.  
 404:13 Q. Is it typical for the Cabell County EMS to  
 404:14 have a significant carryover from year to year?  
 404:15 A. Yes.  
 404:16 Q. Is two and a half million a typical amount  
 404:17 for that carryover?  
 404:18 A. Yes.

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176	<b>405:2 -405:21</b>	Thompson, Beth 2020-07-28	00:00:55	02:24:33	00:00:59	Thompson_B-07282	MV181.176
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405:2 Q. Who controls the allocation of the amount  
 405:3 that EMS carries over from year to year?  
 405:4 A. It would be -- it's submitted through the  
 405:5 budget and the Commission approves it.  
 405:6 Q. And so ultimately the Commission decides  
 405:7 what is done with that money?  
 405:8 A. Ultimately.  
 405:9 Q. Has the Commission ever allocated any of  
 405:10 the EMS carryover funding to abate the opioid problem  
 405:11 in Cabell County?  
 405:12 A. Not specifically.  
 405:13 Q. Why not?

Defense Affirmatives
  Plaintiff Completeness Counts
  Defense Counter Counts
  Plaintiff Counters

**Thompson B 20200723 & 28 DA PC (& Completeness) DCC COMBINED 7-23**

405:14 A. I don't know.  
405:15 Q. Has the Commission ever considered  
405:16 allocating any of the two and a half million dollars,  
405:17 or different amounts in other years, of EMS carryover  
405:18 to abate the opioid problem in Cabell County?  
405:19 A. Not that I'm aware of.  
405:20 Q. Why not?  
405:21 A. I don't have an answer.

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Play Time for this Script: **02:25:32**

**Total time for all Scripts in this report: 02:25:32**